Message

Voyles, Travis [voyles.travis@epa.gov] From:

2:25-cv-02152-RMG

2/10/2025 4:22:15 AM Sent:

To: Talmage, Sarah [Talmage.Sarah@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Donahue, Sean

[donahue.sean@epa.gov]

CC: Barja, Jaide [Barja.Jaide@epa.gov]

Subject: RE: EPW Minority Members Letter to Administrator re: Grant Pause

Attachments: 2025-02-XX EPA-Whitehouse (Grant Funds) DRAFT.docx

Hi All—

Could you take a look at this draft response which incorporates the messaging we used in the Feb. 6 memo and have been using in communications with external since then when describing the review.

Once we settle on a good draft, we can share with Eric tomorrow. The same wording can be used for all of the incoming letters we have received so far on this issue.

Travis Voyles C: (202) 787-0595

From: Barja, Jaide <Barja.Jaide@epa.gov> Sent: Sunday, February 9, 2025 12:39 AM

To: Voyles, Travis <voyles.travis@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Donahue, Sean

<donahue.sean@epa.gov>

Cc: Talmage, Sarah <Talmage.Sarah@epa.gov>

Subject: RE: EPW Minority Members Letter to Administrator re: Grant Pause

Yep, I've attached it along with the E&C Dem letter FYSA. Please let me know if you need anything else

From: Voyles, Travis < voyles.travis@epa.gov> Sent: Sunday, February 9, 2025 12:12 AM

To: Barja, Jaide < Barja.Jaide@epa.gov; Hanson, Paige (Catherine) < hanson.catherine@epa.gov; Donahue, Sean

<donahue.sean@epa.gov>

Subject: RE: EPW Minority Members Letter to Administrator re: Grant Pause

Can you pass along the Approps Minority one just so I have a copy?

Travis Voyles C: (202) 787-0595

From: Barja, Jaide <Barja.Jaide@epa.gov> Sent: Thursday, February 6, 2025 10:33 AM

<voyles.travis@epa.gov>

Subject: RE: EPW Minority Members Letter to Administrator re: Grant Pause

We have now received two additional letters re: this topic. One is from the Appropriations minority in the Senate, and the other is from House Energy & Commerce Dems. They are similar enough in language that one standardized response could be an approach we take, though I'll defer to you if there's any concerns with what the OCIR counsel has drafted up.

From: Barja, Jaide

Sent: Wednesday, February 5, 2025 11:18 AM

To: Hanson, Paige (Catherine) < hanson.catherine@epa.gov; Donahue, Sean < donahue.sean@epa.gov; Voyles, Travis voyles.travis@epa.gov); Voyles, Travis

Subject: EPW Minority Members Letter to Administrator re: Grant Pause

Attached is the original incoming letter from EPW Democrats to the Administrator. Aside from the questions they listed, the letter also includes some narrative that we might want to address (e.g., quoting the Administrator's testimony) but don't need to. Using the guidance that OCFO sent out yesterday, OCIR's general counsel put together this draft response. Please let me know if you have any concerns, edits, etc.

Jaide

Message

Subject:

From: Shumate, Brett A (CIV)

[Brett.A.Shumate@usdoj.gov]

Sent: 2/12/2025 3:00:38 PM

To: Donahue, Sean

[donahue.sean@epa.gov] 107 - Order re Mots for

Permission (002) (002).pdf

Attachments:107 - Order re Mots for

Permission (002) (002).pdf

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 4 of 101

Message

From: Hanson, Paige (Catherine) [hanson.catherine@epa.gov]

Sent: 2/12/2025 7:53:31 PM

To: Voyles, Travis [voyles.travis@epa.gov]; Vaseliou, Molly [Vaseliou.Molly@epa.gov]; Donahue, Sean

[donahue.sean@epa.gov]

Subject: RE: Memorandum on Review of Financial Assistance Programs

Funding Under Review BUDGET CODES 021225.xlsx

From: Voyles, Travis <voyles.travis@epa.gov> Sent: Tuesday, February 11, 2025 4:36 PM

To: Hanson, Paige (Catherine) hanson.catherine@epa.gov; Vaseliou, Molly <Vaseliou.Molly@epa.gov; Donahue,

Sean <donahue.sean@epa.gov>

Subject: RE: Memorandum on Review of Financial Assistance Programs

By EOD tomorrow? Would be helpful to DOGE in looking through programs.

--

Travis Voyles C: (202) 787-0595

From: Hanson, Paige (Catherine) < hanson.catherine@epa.gov>

Sent: Tuesday, February 11, 2025 4:35 PM

To: Voyles, Travis <voyles.travis@epa.gov>; Vaseliou, Molly <Vaseliou.Molly@epa.gov>; Donahue, Sean

<donahue.sean@epa.gov>

Subject: Re: Memorandum on Review of Financial Assistance Programs

Yes. What's the deadline?

From: Voyles, Travis < voyles.travis@epa.gov > Sent: Tuesday, February 11, 2025 4:13:50 PM

To: Vaseliou, Molly <Vaseliou.Molly@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>

Cc: Hanson, Paige (Catherine) < hanson.catherine@epa.gov>

Subject: RE: Memorandum on Review of Financial Assistance Programs

Paige—Can you get OCFO to list out the budget codes associated with all of these buckets?

--

Travis Voyles C: (202) 787-0595

From: Voyles, Travis

Sent: Friday, February 7, 2025 5:28 PM

To: Vaseliou, Molly < Vaseliou. Molly@epa.gov >; Donahue, Sean < donahue.sean@epa.gov >

Cc: Hanson, Paige (Catherine) < hanson.catherine@epa.gov>

Subject: FW: Memorandum on Review of Financial Assistance Programs

FYI

Travis Voyles C: (202) 787-0595

From: Voyles, Travis

Sent: Friday, February 7, 2025 5:17 PM

To: Patrick, Kimberly < Patrick.Kimberly@epa.gov >; Treml, Gregg < Treml.Gregg@epa.gov >

Cc: Hanson, Paige (Catherine) < hanson.catherine@epa.gov>

Subject: RE: Memorandum on Review of Financial Assistance Programs

Good Afternoon Gregg and Kimberly—

Consistent with the Memorandum on Review of Financial Assistance Programs, EPA personnel have identified the below grants programs as having potential inconsistencies with necessary financial and oversight procedural requirements or grant conditions of awards or programs. Out of an abundance of caution given the concerns raised and to the ensure the ability for a thorough review and investigation to occur and ensure compliance, please suspend all activity unless otherwise authorized.

Air Quality Sensors in Low Income and Disadvantaged Communities (OAR) (STAG)

Clean Heavy-Duty Vehicles (OAR) (STAG)

Clean Heavy-Duty Vehicles in Nonattainment Areas (OAR) (STAG)

Clean School Bus Program (STAG)

Competitive Grants (OAR) (STAG)

Diesel Emissions Reductions (OAR) (STAG)

Emissions from Wood Heaters (OAR/ORD) (STAG)

Environmental and Climate Justice Block Grants - Technical Assistance (OEJECR)

Environmental and Climate Justice Block Grants (OEJECR)

Environmental Product Declaration Assistance (OCSPP/ORD/OAR)

Fenceline Air Monitoring and Screening Air Monitoring (OAR/ORD) (STAG)

Funding for the Implementation of the American Innovation and Manufacturing Act (OAR)

Funding for Section 211 of the Clean Air Act – Advanced Biofuels (OAR)

GHG Air Pollution Implementation Grants (OAR) (STAG)

GHG and Zero Emission Standards for Mobile Sources (OAR) (STAG)

GHG Pollution Planning Grants (OAR) (STAG)

Grants to Reduce Air Pollution at Ports (OAR) (STAG)

Grants to Reduce Air Pollution at Ports in Nonattainment Areas (OAR) (STAG)

Greenhouse Gas Corporate Reporting (OAR) (STAG)

Greenhouse Gas Reduction Fund – General Assistance (OA) (STAG)

Greenhouse Gas Reduction Fund - Low Income and Disadvantaged Communities (OA) (STAG)

Greenhouse Gas Reduction Fund – Zero Emision Technologies (OA) (STAG)

Implementation / Accountability (OAR)

Implementation and Compliance (OECA)

Industry Outreach (OAR)

Low Embodied Carbon Labeling for Construction Materials for Transportation Methane Monitoring (OCSPP/OAR/ORD)

Multipollutant Monitoring Stations (OAR) (STAG)

State/Tribal/Local Government Outreach (OAR)

Technical Assistance for Low Income Communities (OAR)

Please let me know if you have any questions.

Thanks,

Travis

Travis Voyles Office of the Administrator C: (202) 787-0595

From: Voyles, Travis

Sent: Friday, February 7, 2025 9:03 AM

To: Patrick, Kimberly < Patrick.Kimberly@epa.gov >; Treml, Gregg < Treml.Gregg@epa.gov >

Cc: McIntosh, Chad < McIntosh. Chad@epa.gov>; Hanson, Paige (Catherine) < hanson.catherine@epa.gov>

Subject: RE: Memorandum on Review of Financial Assistance Programs

Good Morning Gregg and Kimberly-

As detailed in Chad's email last night, he directed any questions to OCFO and OMS. We can find some time early next week to walk through a more thorough process.

In the meantime, if we are notified by any EPA personnel of any inconsistencies with necessary financial and oversight procedural requirements or grant conditions of awards or programs, then we should suspend all activity unless otherwise authorized, pending the competition of a thorough review and investigation to ensure compliance.

Let me know if you have any questions, otherwise we can discuss further next week.

Thanks,

Travis

Travis Voyles Office of the Administrator C: (202) 787-0595

From: McIntosh, Chad <mcintosh.chad@epa.gov>

Sent: Thursday, February 6, 2025 6:39 PM

To: Career_Deputy_Assistant_Administrators < Career_Deputy_Assistant_Administrators@epa.gov>; Career_Deputy_Regional_Administrators <Career_Deputy_Regional_Administrators@epa.gov>;

Career_Deputy_Associate_Administrators < Career_Deputy_Associate_Administrators@epa.gov>; Treml, Gregg

<Treml.Gregg@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>

Cc: Voyles, Travis <voyles.travis@epa.gov>

Subject: Memorandum on Review of Financial Assistance Programs

All—

Please find attached a Memorandum on Review of Financial Assistance Programs. Thank you for your continued service to ensure the effective implementation and use of taxpayer dollars.

Please reach out to OCFO and OMS for any further guidance.

Chad McIntosh Acting Deputy Administrator 2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 7 of 101

Message

From: Talmage, Sarah [Talmage.Sarah@epa.gov]

Sent: 2/13/2025 11:24:51 PM

To: Voyles, Travis [voyles.travis@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]

Subject: Fw: Additional Information on IIJA and IRA - program review pause

Get Outlook for iOS

From: Levine, Carolyn < Levine. Carolyn@epa.gov> **Sent:** Thursday, February 13, 2025 4:49:19 PM **To:** Talmage, Sarah < Talmage. Sarah@epa.gov>

Subject: FW: Additional Information on IIJA and IRA - program review pause

fyi

Carolyn Levine

Legislative Director
Office of Congressional Affairs
U.S. EPA

(O): 202-564-1859

From: Bailey, KevinJ <Bailey.KevinJ@epa.gov> Sent: Thursday, February 13, 2025 3:45 PM

To: Bowles, Jack <Bowles.Jack@epa.gov>; Saddler, Melissa <Saddler.Melissa@epa.gov>; Levine, Carolyn

<Levine.Carolyn@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>

Subject: FW: Additional Information on IIJA and IRA - program review pause

Kevin J. Bailey Deputy Associate Administrator for Management Office of Congressional and Intergovernmental Relations 202-564-2998 Bailey.kevinj@epa.gov

From: Harvey, Luby < Harvey.Luby@epa.gov>Sent: Thursday, February 13, 2025 3:41 PM

To: AO Staff Office Directors and AA's < AO Staff Office Directors and AAs@epa.gov >

Subject: Fw: Additional Information on IIJA and IRA - program review pause

FYSA

Best regards,

Luby Harvey, MBA, MPA, CGFM

Assistant Director and Senior Budget Officer (Acting)
Resource Management Staff (RMS)
Office of Administrative and Executive Services (OAES)

of Administrative and Executive Services (OAES

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 8 of 101

Office of the Administrator (AO)

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW | Room 4509-B WJCN | Washington, DC 20460

Office: (202) 566-0923 | Work Cell: (202) 909-8637

Email: Harvey.Luby@epa.gov

Please note that I sent this email at a time that was convenient for me without expectation for a response outside of business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

From: Budget and Planning < Budget and Planning@epa.gov >

Sent: Thursday, February 13, 2025 3:31 PM

To: Budget and Planning < Budget_and_Planning@epa.gov >; OCFO-SBO < OCFOSBO@epa.gov >; OCFO-SBO-

STAFF < OCFOSBOSTAFF@epa.gov >; OCFO-Regional-Comptroller < OCFORegionalComptroller@epa.gov >;

OCFO-Regional Budget Officers < OCFO-sko.

< OCFO SROs@epa.gov>; Regional Mission Support Division - Directors

< <u>Regional Mission Support Division Directors@epa.gov</u>>; Regional Mission Support Division - Directors

< < Regional Mission Support Division Directors@epa.gov >; OCFO-FCOs < OCFO-FCOs@epa.gov >;

 $\label{leadership_Deputy_Regional_Administrators} $$ \end{subarray} $$ \end{subarr$

Leadership_Deputy_Assistant_Administrators < Leadership_Deputy_Assistant_Administrators@epa.gov>

Cc: Wise, Melissa < wise.melissa@epa.gov >; Legare, Pamela < Legare.Pamela@epa.gov >; Rogers, JoanB

< Rogers. Joan B@epa.gov >; Coogan, Daniel < Coogan. Daniel@epa.gov >; Kalikhman, Yulia

<kalikhman.yulia@epa.gov>; Gulamali, Adil <Gulamali.Adil@epa.gov>; Lavergne, Dany

<lavergne.dany@epa.gov>; Miller, Renee < Miller.Renee@epa.gov>; Jennette, Vonda

<Jennette.Vonda@epa.gov>; Luebbering, Gregory < luebbering.gregory@epa.gov>; Henry, Latonya

<Henry.Latonya@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne

<Goerke.Ariadne@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holden, Allison

<Holden.Allison@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Jones-Peeler, Meshell <Jones-

Peeler.Meshell@epa.gov>; Lane, Gary <Lane.Gary@epa.gov>; Robinson, Angel <robinson.angel@epa.gov>;

Katz, Brian < Katz. Brian @epa.gov>; Cardenas, Andrew < Cardenas. Andrew @epa.gov>; Li, Sylvana

<li.sylvana@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Cottrill, Edward <Cottrill.Edward@epa.gov>; Hurley,

Kevin < Hurley. Kevin@epa.gov >; Humes, Hamilton < Humes. Hamilton@epa.gov >; Wang, Lili

<Wang.Lili@epa.gov>

Subject: RE: Additional Information on IIJA and IRA - program review pause

Sharing another update as the program review proceeds.

Obligations from EPA already made as of 3 PM EST today can be released for payment. The agency will continue robust oversight of these funds and take appropriate action if any of them are found to be used outside of the terms and conditions of their agreements.

Note this excludes the Greenhouse Gas Reduction Fund.

From: Budget and Planning < Budget and Planning@epa.gov>

Sent: Friday, February 7, 2025 6:04 PM

To: Budget and Planning < <u>Budget and Planning@epa.gov</u>>; OCFO-SBO < <u>OCFOSBO@epa.gov</u>>; OCFO-SBO-STAFF < <u>OCFOSBOSTAFF@epa.gov</u>>; OCFO-Regional-Comptroller < <u>OCFORegionalComptroller@epa.gov</u>>; OCFO-Regional Budget Officers@epa.gov>; OCFO-SROs < OCFO_SROs@epa.gov>; Regional Mission

Support Division - Directors < Regional Mission Support Division Directors@epa.gov >; Regional Mission Support Division - Directors < Regional Mission Support Division Directors@epa.gov >; OCFO-FCOs < OCFO-FCOs@epa.gov >

**Cc:* Wise, Melissa < wise.melissa@epa.gov >; Legare, Pamela < Legare.Pamela@epa.gov >; Rogers, JoanB
**Rogers.JoanB@epa.gov >; Kalikhman.yulia@epa.gov >; Gulamali.Adil@epa.gov >; Lavergne, Dany < lavergne.dany@epa.gov >; Miller, Renee
**Miller.Renee@epa.gov >; Jennette, Vonda < Jennette.Vonda@epa.gov >; Luebbering, Gregory < luebbering.gregory@epa.gov >; Henry, Latonya < Henry.Latonya@epa.gov >; Talbert-Duarte, Angelia < talbert-duarte.angelia@epa.gov >; Goerke, Ariadne < Goerke.Ariadne@epa.gov >; Askew, Wendel < Askew.Wendel@epa.gov >; Holden, Allison < Holden.Allison@epa.gov >; Kadeli, Lek < Kadeli.Lek@epa.gov >; Jones-Peeler, Meshell < Jones-Peeler.Meshell@epa.gov >; Lane, Gary < Lane.Gary@epa.gov >; Robinson, Angel < robinson.angel@epa.gov >; Boyd, Wyatt < Boyd.Wyatt@epa.gov >; Katz, Brian < Katz.Brian@epa.gov >; Cardenas, Andrew < Cardenas.Andrew@epa.gov >; Li, Sylvana < li.sylvana@epa.gov >; Beg, Gul < Beg.Gul@epa.gov >; Cottrill, Edward < Cottrill.Edward@epa.gov >
Subject: RE: Additional Information on IIJA and IRA - program review pause

Pursuant to the review of financial assistance programs announced by the Acting Deputy Administrator on February 6, the following accounts are temporarily paused for new obligations or disbursements for assistance agreements, loans, rebates, interagency agreements, procurements, and no-cost actions pending a review for compliance with applicable administrative rules and policies.

Air Quality Sensors in Low Income and Disadvantaged Communities (OAR) (STAG)

Clean Heavy-Duty Vehicles (OAR) (STAG)

Clean Heavy-Duty Vehicles in Nonattainment Areas (OAR) (STAG)

Clean School Bus Program (STAG)

Competitive Grants (OAR) (STAG)

Diesel Emissions Reductions (OAR) (STAG)

Emissions from Wood Heaters (OAR/ORD) (STAG)

Environmental and Climate Justice Block Grants – Technical Assistance (OEJECR)

Environmental and Climate Justice Block Grants (OEJECR)

Environmental Product Declaration Assistance (OCSPP/ORD/OAR)

Fenceline Air Monitoring and Screening Air Monitoring (OAR/ORD) (STAG)

Funding for the Implementation of the American Innovation and Manufacturing Act (OAR)

Funding for Section 211 of the Clean Air Act – Advanced Biofuels (OAR)

GHG Air Pollution Implementation Grants (OAR) (STAG)

GHG and Zero Emission Standards for Mobile Sources (OAR) (STAG)

GHG Pollution Planning Grants (OAR) (STAG)

Grants to Reduce Air Pollution at Ports (OAR) (STAG)

Grants to Reduce Air Pollution at Ports in Nonattainment Areas (OAR) (STAG)

Greenhouse Gas Corporate Reporting (OAR) (STAG)

Greenhouse Gas Reduction Fund – General Assistance (OA) (STAG)

Greenhouse Gas Reduction Fund – Low Income and Disadvantaged Communities (OA) (STAG)

Greenhouse Gas Reduction Fund – Zero Emision Technologies (OA) (STAG)

Implementation / Accountability (OAR)

Implementation and Compliance (OECA)

Industry Outreach (OAR)

Low Embodied Carbon Labeling for Construction Materials for Transportation Methane Monitoring (OCSPP/OAR/ORD)

Multipollutant Monitoring Stations (OAR) (STAG)

State/Tribal/Local Government Outreach (OAR)

Technical Assistance for Low Income Communities (OAR)

From: Budget and Planning < Budget and Planning@epa.gov>

Sent: Friday, February 7, 2025 11:29 AM

To: Budget and Planning <<u>Budget and Planning@epa.gov</u>>; OCFO-SBO <<u>OCFOSBO@epa.gov</u>>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; OCFO-Regional-Comptroller <OCFORegionalComptroller@epa.gov>; OCFO-Regional

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 10 of 101

Budget Officers
 OCFORegional Budget Officers@epa.gov>; OCFO-SROs
 SROs@epa.gov>; Regional Mission
 Support Division - Directors Regional Mission Support Division Directors@epa.gov; Regional Mission Support Division Directors@epa.gov>; OCFO-FCOs
 OCFO-FCOs@epa.gov
 Cc: Wise, Melissa wise.melissa@epa.gov; Legare, Pamela Legare.Pamela@epa.gov; Rogers, JoanB
 Rogers.JoanB@epa.gov
 Coogan, Daniel@epa.gov
 Kalikhman, Yulia kalikhman.yulia@epa.gov; Gulamali, Adil Gulamali.Adil@epa.gov; Lavergne, Dany lavergne.dany@epa.gov; Miller, Renee
 Miller.Renee@epa.gov
 Jennette, Vonda Jennette.Vonda@epa.gov; Luebbering, Gregory
 Luebbering.gregory@epa.gov
 OCFO-OB-ALL x@epa.gov
 Talbert-Duarte, Angelia Lalbert-duarte.angelia@epa.gov; Goerke, Ariadne Goerke.Ariadne@epa.gov; Askew, Wendel Askew.Wendel@epa.gov; Holden, Allison Holden.Allison@epa.gov>

Subject: RE: Additional Information on IIJA and IRA

We are working expeditiously to carry out the attached and request your assistance where appropriate.

(excerpt)

Notwithstanding this directive, any disbursements on open grant awards that were paused due to Office of Management and Budget Memorandum M-25-13 or any Executive Order underlying that Memorandum shall continue to be immediately released, as the Agency initiated on February 3, 2025.

From: Budget and Planning < Budget and Planning@epa.gov >

Sent: Wednesday, February 5, 2025 11:00 AM

To: Budget and Planning <<u>Budget and Planning@epa.gov</u>>; OCFO-SBO <<u>OCFOSBO@epa.gov</u>>; OCFO-SBO-STAFF <<u>OCFOSBOSTAFF@epa.gov</u>>; OCFO-Regional-Comptroller <<u>OCFORegionalComptroller@epa.gov</u>>; OCFO-Regional Budget Officers@epa.gov>; OCFO-SROs <<u>OCFO SROs@epa.gov</u>>; Regional Mission Support Division - Directors <<u>Regional Mission Support Division Directors@epa.gov</u>>; Regional Mission Support Division - Directors <<u>Regional Mission Support Division Directors@epa.gov</u>>; OCFO-FCOs <<u>OCFO-FCOs@epa.gov</u>>
Cc: Wise, Melissa <<u>wise.melissa@epa.gov</u>>; Legare, Pamela <<u>Legare.Pamela@epa.gov</u>>; Rogers, JoanB <<u>Rogers.JoanB@epa.gov</u>>; Coogan, Daniel <<u>Coogan.Daniel@epa.gov</u>>; Kalikhman, Yulia <<u>kalikhman.yulia@epa.gov</u>>; Gulamali, Adil <<u>Gulamali.Adil@epa.gov</u>>; Lavergne, Dany <<u>lavergne.dany@epa.gov</u>>; Miller, Renee <<u>Miller.Renee@epa.gov</u>>; Jennette, Vonda <<u>Jennette.Vonda@epa.gov</u>>; Luebbering, Gregory <<u>luebbering.gregory@epa.gov</u>>; OCFO-OB-ALL. <<u>OCFO-OB-ALL x@epa.gov</u>>; Talbert-Duarte, Angelia <<u>talbert-duarte.angelia@epa.gov</u>>; Goerke, Ariadne <<u>Goerke.Ariadne@epa.gov</u>>; Askew, Wendel <<u>Askew.Wendel@epa.gov</u>>; Holden, Allison <<u>Holden.Allison@epa.gov</u>>

Subject: RE: Additional Information on IIJA and IRA

Clarifying the compound sentence in the original message.

Consistent with Court Order, obligations and disbursements to carry out all necessary work can proceed for:

- federal financial assistance;
- Superfund;
- and the accounts (originally) attached.

Note that thousands of accounts are involved and this is a manual process.

From: Budget and Planning < Budget and Planning@epa.gov>

Sent: Tuesday, February 4, 2025 1:46 PM

Subject. Additional information on IBA and INA

Importance: High

This message provides additional detail to the attached message from the Acting Chief Financial Officer.

Consistent with Court Order, obligations and disbursements to carry out all necessary work can proceed for all federal financial assistance, including cooperative assistance agreements, all Superfund, and the accounts attached.

We will continue to keep the community updated as we implement Orders. Please note that effectuation in agency systems is occurring and requires sequencing.

Please share this information within EPA as necessary to execute.

Message

From: Tisa, Nathaniel [Tisa.Nathaniel@epa.gov]

Sent: 3/28/2025 9:41:41 PM

To: Donahue, Sean [donahue.sean@epa.gov]

Subject: FW: Awareness Notification - 2025-EPA-03254 - EO and Solar for All, NCIF, CCIA

Attachments: RR 2025-EPA-03254.pdf

Nathaniel Tisa

Deputy General Counsel U.S. Environmental Protection Agency (202) 658-5262

From: Vaseliou, Molly <Vaseliou.Molly@epa.gov>

Sent: Friday, March 28, 2025 5:21 PM

To: Corlett, Thomas < Corlett. Thomas@epa.gov>; Tisa, Nathaniel < Tisa. Nathaniel@epa.gov>; Voyles, Travis

<voyles.travis@epa.gov>

Subject: FW: Awareness Notification - 2025-EPA-03254 - EO and Solar for All, NCIF, CCIA

Lots of emails from GGRF. I think they're from the guy who wouldn't respond/provide info

From: Romano, Justin < romano.justin@epa.gov >

Sent: Friday, March 28, 2025 2:04 PM

To: OGC Awareness Notification Process < OGC Awareness Notification Process@usepa.onmicrosoft.com >; FOIA

Awareness Notification Email Recipients <FOIA Awareness Notification Email Recipients@epa.gov>

Cc: Romano, Justin < romano.justin@epa.gov>

Subject: Awareness Notification - 2025-EPA-03254 - EO and Solar for All, NCIF, CCIA

To whom it may concern,

AO is responding to the above-referenced FOIA request(s). We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
2025- EPA- 03254	Ann Brown	Center for Biological Diversity	2/3/2025	3/28/2025	Records related to Jan 20 EO and NCIF, Solar for All, CCIA, ECJCCG programs. 1. The extent to which the aforementioned programs listed above are implicated by the January 20, 2025 EO or January 27, 2025 Memorandum; and/or 2. How these programs will proceed in light of the EO and Memorandum.	Final	59 pages

The following offices have equities in these records and have reviewed the relevant records: GGRF, OMS, OGC

The records are attached.

The manager who approved this release is: Brian Hope

Thank you, Justin

Justin Romano Attorney-Adviser Office of the Executive Secretariat Environmental Protection Agency 1200 Pennsylvania Avenue, NW (1105A)017 Washington, D.C. 20460 (202) 564-1439

Message

From: Widawsky, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6ECD0FCBEBB4A59A34D9D1EE85CC7A5-WIDAWSKY, DAVID]

Sent: 2/3/2025 5:59:29 PM

To: Jackson, Terrence [Jackson.Terrence@epa.gov]; Breaux, Dawn [Breaux.Dawn@epa.gov]; Harvey, Luby

[Harvey.Luby@epa.gov]

CC: Quarles, Michael [Quarles.Michael@epa.gov]; Adams, Anthony [Adams.Anthony@epa.gov]; Zavala, Julie

[Zavala.Julie@epa.gov]; Benkeser, Anna [Benkeser.Anna@epa.gov]

Subject: FW: Notice to Contractors Regarding Temporary Restraining Order (TRO) Issued 1-31-25

Attachments: Notice of Temporary Restraining Order_2-3-25.pdf; Temporary Restraining Order_1-31-25.pdf

Good afternoon – Noting that there isn't any info for contractors on how EPA intends to comply with the TRO, has OMS/OAR indicated that the spigot for contractor support is now back open, particularly since contractor support is providing key information and tools for OGGRF grantees to comply with the terms and conditions of their grants?

Thanks again. I know these are pointed questions, but we definitely don't want to get on the wrong side of any EPA processes or procedures, or get sideways with EPA colleagues managing the contracts we've been depending on. So, seeking a bit more clarity on the implications.

Best, David



David Widawsky, Ph.D.

Director, Office of the Greenhouse Gas Reduction Fund US Environmental Protection Agency

www.epa.gov/greenhouse-gas-reduction-fund

Phone: +1 202-566-2215 Mobile: +1 202-731-6718

Email: widawsky.david@epa.gov

1200 Pennsylvania Avenue, N.W.

Washington, DC 20460

From: Carpenter, Wesley < Carpenter. Wesley@epa.gov>

Sent: Monday, February 3, 2025 12:49 PM

To: Jackson, Terrence <Jackson.Terrence@epa.gov>; Harvey, Luby <Harvey.Luby@epa.gov>; Breaux, Dawn <Breaux.Dawn@epa.gov>; Quarles, Michael <Quarles.Michael@epa.gov>; Adams, Anthony <Adams.Anthony@epa.gov> Cc: AO Staff Office Directors and AA's <AO_Staff_Office_Directors_and_AAs@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>

Subject: Notice to Contractors Regarding Temporary Restraining Order (TRO) Issued 1-31-25

FYI.

From: Legare, Pamela < Legare. Pamela@epa.gov >

Sent: Monday, February 3, 2025 12:39 PM

To: OMS-ARM-OAS-ALL < OMS-ARM-OAS-ALL@epa.gov >; OMS-ARM-OAS_RAMS < OMS-ARM-OAS_RAMS@epa.gov > Cc: Patrick, Kimberly < Patrick.Kimberly@epa.gov >; Coogan, Daniel < Coogan.Daniel@epa.gov >; Jones-Peeler, Meshell < Jones-Peeler.Meshell@epa.gov >; Gulamali, Adil < Gulamali.Adil@epa.gov >; Douchand, Larry

<<u>Douchand.Larry@epa.gov</u>>; Hill, Eric <<u>Hill.Eric@epa.gov</u>>; OCFO-SROs <<u>OCFO_SROs@epa.gov</u>>; Regional Mission Support Division - Deputy Directors@epa.gov>; Acquisition

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 15 of 101

Champions <<u>Acquisition Champions@epa.gov</u>>; IA-Liaison-Council <<u>IA-Liaison-Council@epa.gov</u>> **Subject:** Notice to Contractors Regarding Temporary Restraining Order (TRO) Issued 1-31-25

Bcc: All EAS Users

Colleagues,

The attached Special Notice was posted today on the System for Award Management (SAM.GOV) https://sam.gov/opp/5c27144547d042a0aee8899a793a2bf0/view to inform EPA contractors about the Notice of Temporary Restraining Order (TRO) issued on January 31, 2025. Please ensure that your contractors are aware of this posting.

Thank you for your cooperation and support. I will share any further guidance regarding the impact on contracts as it becomes available.

Pamela D. Legare,

Director and Senior Procurement Executive Office of Acquisition Solutions (OAS)

U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW

Room # 61234 Mail Stop: 3801R

Washington, DC 20460

(202) 564-4310 (Phone)

(937) 205-3694 (Mobile)

(202) 565-2475 (FAX)

Email: legare.pamela@epa.gov

OAS...Advancing EPA's Mission Through Acquisitions!

Learn more about acquisition tools, policies, and other resources to facilitate the acquisition process (including Toolkits!) on the OAS Portal.



Please note that I sent this at a time that was convenient for me without expectation for a response outside of business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

MEMORANDUM

DATE: February 3, 2025

SUBJECT: Notice of Temporary Restraining Order dated 01-31-2025

FROM: Pamela D. Legare, Senior Procurement Executive and Director

EPA Office of Acquisition Solutions PAMELA Digitally signed by PAMELA LEGARE

LEGARE Date: 2025.02.03 09:45:52 -05'00'

TO: All EPA Contractors

Pursuant to the Court's directive in New York et al. v. Trump, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025) all EPA contractors are receiving the attached Notice of the Court's Order for awareness and information. This case challenges an alleged "pause" of certain Federal financial assistance, related to OMB Memorandum M-25-13, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs (Jan. 27, 2025). A copy of the Court's Order is also attached for reference. If you have any questions about the scope or effect of the Court's Order, please contact your Contracting Officer.

Attachment:

Temporary Restraining Order dated 1-31-2025

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 17 of 101

Message

From: Widawsky, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6ECD0FCBEBB4A59A34D9D1EE85CC7A5-WIDAWSKY, DAVID]

Sent: 2/5/2025 2:01:20 PM

To: Benkeser, Anna [Benkeser.Anna@epa.gov]; Shah, Monisha [Shah.Monisha@epa.gov]; Zavala, Julie

[Zavala.Julie@epa.gov]

Subject: RE: ASAP Status

That might be helpful Ex. 5 Deliberative Process (DP)

From: Benkeser, Anna <Benkeser.Anna@epa.gov> Sent: Wednesday, February 5, 2025 9:00 AM

To: Widawsky, David <Widawsky.David@epa.gov>; Shah, Monisha <Shah.Monisha@epa.gov>; Zavala, Julie

<Zavala.Julie@epa.gov> **Subject:** Re: ASAP Status

Ex. 5 Deliberative Process (DP)

Anna Benkeser

Chief of Staff, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

240-935-2907

From: Widawsky, David < Widawsky. David@epa.gov>

Sent: Wednesday, February 5, 2025 8:00 AM

To: Benkeser, Anna <Benkeser.Anna@epa.gov>; Shah, Monisha <Shah.Monisha@epa.gov>; Zavala, Julie

<<u>Zavala.Julie@epa.gov</u>> **Subject:** RE: ASAP Status

Let's converse on this. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Let's find 10 minutes for a Teams call.

From: Benkeser, Anna <Benkeser.Anna@epa.gov>

Sent: Tuesday, February 4, 2025 7:12 PM

To: Shah, Monisha < Shah. Monisha@epa.gov>; Widawsky, David < Widawsky. David@epa.gov>; Zavala, Julie

<<u>Zavala.Julie@epa.gov</u>> **Subject:** Fw: ASAP Status

FYI - Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Get Outlook for iOS

From: Teresa Morales < tmorales@txcef.org > Sent: Tuesday, February 4, 2025 4:37 PM

To: Bradford, Nicholas < Bradford. Nicholas@epa.gov>

Cc: Shahara Wright <<u>sdwright@txcef.org</u>>; <u>bbriscoe@txcef.org</u> <<u>bbriscoe@txcef.org</u>>; srconklin_txcef.org

<srconklin@txcef.org>; Benkeser, Anna <Benkeser.Anna@epa.gov>

Subject: Re: ASAP Status

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Nick,

Considering the impact this has on our program we would appreciate an update as soon as you are able to provide one. Withholding this money now has already caused (and will continue to cause) irreparable harm to the communities that we serve and cost invaluable American jobs. We are experiencing setbacks in the hiring of program staff at a time when we anticipated to build capacity in accordance with our grant award. Without assurance of timely reimbursement, our program partners and interested program applicants are uncertain thereby causing distrust and delay. As you know, this funding is critical for meeting increased energy demands across the states and communities that we serve. This funding will help reduce energy costs, create jobs, and implement energy projects.

For all of these reasons, we are requesting our account be reinstated in ASAP immediately pursuant to our legally binding award to help the communities across America that we serve. We would appreciate it if you could provide guidance on how long we can rely on the reinstatement to be sustained so that we have full faith in the ability to access these obligated funds. Until we receive formal notice or direction otherwise, we will continue to fulfill the obligations of our grant award.

Best Regards,

Teresa Morales

Clean Energy Fund of Texas Program Director, Solar for All 832-240-9118 | main 832-432-1974 | direct https://cleanfundtx.org/



From: Bradford, Nicholas < Bradford. Nicholas@epa.gov>

Sent: Tuesday, February 4, 2025 1:09 PM **To:** Teresa Morales < tmorales@txcef.org>

Cc: Shahara Wright <<u>sdwright@txcef.org</u>>; Billy Briscoe <<u>bbriscoe@txcef.org</u>>; Shannon Ramirez Conklin

<srconklin@txcef.org>; Benkeser, Anna <Benkeser.Anna@epa.gov>

Subject: RE: ASAP Status

Hi Teresa,

EPA is closely tracking the recent Temporary Restraining Order (*New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025)).

We have been told that SFA grants have been unrestricted in ASAP and specific guidance for the agency regarding ASAP funds is forthcoming, and we will share more information as soon as possible. Thank you in advance for your patience as we work through this transition period.

Best, Nick

Nicholas Bradford

Environmental Protection Specialist US Environmental Protection Agency

Phone: 202-566-0813

From: Teresa Morales < tmorales@txcef.org > Sent: Tuesday, February 4, 2025 2:04 PM

To: Bradford, Nicholas < Bradford. Nicholas@epa.gov >

Cc: Shahara Wright <sdwright@txcef.org>; bbriscoe@txcef.org; srconklin_txcef.org <srconklin@txcef.org>

Subject: ASAP Status

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Nick.

We are reaching out because our ASAP account remains "Suspended," notwithstanding orders from two federal courts that require federal agencies to disburse funds to award recipients. On January 31, 2025, in State of New York et al. v. Donald Trump et al., the United States District Court for the District of Rhode Island issued a temporary restraining order (TRO) against EPA, among many defendants. Pursuant to that order, DOJ subsequently advised EPA that, under the TRO, the agency "[may not] pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo, or on the basis of the President's recently issued Executive Orders."

In addition, yesterday, in National Council of Nonprofits et al. v. Office of Management and Budget et al., the United States District Court for the District of Columbia issued a separate TRO enjoining OMB "from implementing, giving effect to, or reinstating under a different name the directives in OMB Memorandum M-25-13 with respect to the disbursement of Federal funds under all open awards." The order explicitly ordered OMB to instruct federal agencies, including EPA, "to release any disbursements on open awards that were paused due to OMB Memorandum M-25-13."

In light of these orders, please advise when the "Suspended" status on our ASAP account will be lifted. If EPA intends to maintain the account suspension, please provide EPA's rationale for doing so.

Thank you,

Teresa Morales

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 20 of 101

Clean Energy Fund of Texas Program Director, Solar for All 832-240-9118 | main 832-432-1974 | direct https://cleanfundtx.org/



Message

From: Widawsky, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6ECD0FCBEBB4A59A34D9D1EE85CC7A5-WIDAWSKY, DAVID]

Sent: 2/5/2025 6:04:56 PM

To: Christopher, Katherine [Christopher.Katherine@epa.gov]; Askew, Wendel [Askew.Wendel@epa.gov]; Hales, Daniel

[Hales.Daniel@epa.gov]; Drummond, James [Drummond.James@epa.gov]; Holden, Allison

[Holden.Allison@epa.gov]

CC: Zavala, Julie [Zavala.Julie@epa.gov]; Shah, Monisha [Shah.Monisha@epa.gov]

Subject: FW: Unrestricted ASAP Accounts

Attachments: Notice of Court's Order; Update on IIJA and IRA Pause FINAL 2-4-2025.pdf

Just FYI, some communications today on the continuing lack of Solar for All grantee access to their ASAP accounts (which grantees are conveying to our team is creating increasing stress on grantee functions and operations).

From: Widawsky, David

Sent: Wednesday, February 5, 2025 11:30 AM

To: Zavala, Julie Zavala. Julie@epa.gov; Wise, Melissa wise.melissa@epa.gov

Cc: Shah, Monisha Shah.Monisha@epa.gov; Benkeser, Anna Benkeser.Anna@epa.gov; Coogan, Daniel

Coogan.Daniel@epa.gov

Subject: RE: Unrestricted ASAP Accounts

Thanks, Melissa. Additionally, and tapping on Julie's note, our project officers for Solar for All are getting a bunch of questions from grantees asking why they don't have access to their ASAP accounts for their active grant award, given the judicial order (and, internally, the language from OCFO). We've instructed POs to convey the following message, but wonder if there is any updated or more accurate information we can convey?:

EPA is closely tracking the recent Temporary Restraining Order (New York et al. v. Trump, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025)). We have been told that specific guidance for the agency regarding ASAP funds is forthcoming. Please keep in mind that OGGRF does not have the authority to modify your account's status in ASAP. We will share more information as soon as possible. Thank you in advance for your patience as we work through this transition period.

From: Zavala, Julie < Zavala.Julie@epa.gov>
Sent: Wednesday, February 5, 2025 11:26 AM
To: Wise, Melissa < wise.melissa@epa.gov>

Cc: Widawsky, David < Widawsky. David@epa.gov >; Shah, Monisha < Shah. Monisha@epa.gov >; Milhollin, Chandler < Milhollin. Chandler@epa.gov >; Benkeser, Anna < Benkeser. Anna@epa.gov >; Coogan, Daniel < Coogan. Daniel@epa.gov >

Subject: RE: Unrestricted ASAP Accounts

Thanks, Melissa. I'll note that even though SFA was on the OCFO spreadsheet of unrestricted ASAP accounts (if one cleared the filters), we've now heard that GGRF cannot actually move forward with obligations and disbursements—based on the other spreadsheet sent around by the Budget office to accompany the CFO's latest memo. So the confusion continues.

Julie Zavala

Deputy Director, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

Mobile: 202-817-0114

From: Wise, Melissa <<u>wise.melissa@epa.gov</u>>
Sent: Wednesday, February 5, 2025 11:18 AM
To: Zavala, Julie <Zavala.Julie@epa.gov>

Cc: Widawsky, David < <u>Widawsky.David@epa.gov</u>>; Shah, Monisha < <u>Shah.Monisha@epa.gov</u>>; Milhollin, Chandler < Milhollin.Chandler@epa.gov>; Benkeser, Anna < Benkeser.Anna@epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>

Subject: RE: Unrestricted ASAP Accounts

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 22 of 101

Hi Julie,

OGD sent the attached email (first attachment) to grantees through our inbox on Monday. OCFO provided additional guidance yesterday (second attachment).

If you need anything else, please let me know.

Melissa

From: Zavala, Julie < Zavala.Julie@epa.gov>
Sent: Tuesday, February 4, 2025 11:34 AM
To: Wise, Melissa < wise.melissa@epa.gov>

Cc: Widawsky, David < <u>Widawsky.David@epa.gov</u>>; Shah, Monisha < <u>Shah.Monisha@epa.gov</u>>; Milhollin, Chandler < <u>Milhollin.Chandler@epa.gov</u>>; Benkeser, Anna < <u>Benkeser.Anna@epa.gov</u>>; Coogan, Daniel < <u>Coogan.Daniel@epa.gov</u>>

Subject: RE: Unrestricted ASAP Accounts

Hi Melissa,

Is OGD planning another communication to grantees stating that the funds are unrestricted in ASAP? Or do you have any guidance on how program offices should communicate this?

Thank you, Julie

Julie Zavala

Deputy Director, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

Mobile: 202-817-0114

From: Milhollin, Chandler < Milhollin. Chandler@epa.gov>

Sent: Tuesday, February 4, 2025 11:14 AM

To: Benkeser, Anna <Benkeser.Anna@epa.gov>; Zavala, Julie <Zavala.Julie@epa.gov>; Widawsky, David

<Widawsky.David@epa.gov>

Subject: FW: Unrestricted ASAP Accounts

Importance: High

FYI- SFA grant recipients should have access to ASAP at this time.

Chandler

From: Brown, Devon < Brown. Devon@epa.gov > Sent: Tuesday, February 4, 2025 10:28 AM

To: Shah, Monisha <Shah.Monisha@epa.gov>; Milhollin, Chandler <Milhollin.Chandler@epa.gov>

Subject: FW: Unrestricted ASAP Accounts

Importance: High

Hello Monisha and Chandler,

Hope you are enjoying your day!

Here is the latest on the Pause, ASAP accounts are being unrestricted as referenced in the list attached (and the forwarded email from Melissa).

As updates on the list develop, I will pass along this information.

Have a great day!

Devon Brown
Branch Chief, Grants Management Branch (GMB)
Office of Mission Support
The Office of Grants and Debarment
U.S. Environmental Protection Agency
1300 Pennsylvania Ave., NW
Washington, D.C. 20460

Office: (202) 564-5097 Mobile: (202) 696-2219

Email: brown.devon@epa.gov

From: Wise, Melissa < wise.melissa@epa.gov > Sent: Tuesday, February 4, 2025 10:00 AM

To: OMS-OGD-GMOs Only < OMS-OGD-GMOs-Only@epa.gov>

Cc: OCFO-SROs < OCFO_SROs@epa.gov>; OMS-OGD-Grants JROs < OMS-OGD-Grants-JROs@epa.gov>; Regional Mission Support Division - Directors < Regional Mission Support Division Directors@epa.gov>; Regional Mission Support Division Deputy Directors@epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>

Subject: Unrestricted ASAP Accounts

Importance: High

Good morning, GMOs,

OCFO has just provided a list of all Superfund, Brownfields, and SRF IIJA and IRA grants that have been unrestricted in ASAP. As additional unrestricting occurs, I will share new lists with you.

As always, please contact me should you have any additional questions.

Thanks,

Melissa Wise

Director, Office of Grants and Debarment Office of Mission Support U.S. Environmental Protection Agency 1300 Pennsylvania Ave., NW Washington, D.C. 20460 (202) 924-9911

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.



2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 24 of 101

Message

From: EPA_Grants_Info [EPA_Grants_Info@epa.gov]

Sent: 2/3/2025 1:31:47 PM
Subject: Notice of Court's Order

Attachments: Notice of Temporary Restraining Order 01-31-2025.pdf

Dear Grant Recipient,

Pursuant to the Court's directive in *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025) <u>all EPA assistance agreement recipients</u> are receiving the attached Notice of the Court's Order for awareness and information. A copy of the Court's Order is also attached for reference. If you have any questions about the scope or effect of the Court's Order, please contact your Grants Award Official.

Thank you.

Please do not reply to this message. This mailbox is not monitored.



THE CHIEF FINANCIAL OFFICER

WASHINGTON, D.C. 20460

February 4, 2025

MEMORANDUM

SUBJECT: Update on Inflation Reduction Act and Infrastructure Investment and Jobs Act Pause

FROM: Gregg Treml, Chief Financial Officer (Acting)

GREGG TREML

TREML

Digitally signed by GREGG TREML

Date: 2025.02.04

12:53:31-05:00'

TO: Deputy Assistant Administrators

Deputy Associate Administrators
Deputy Regional Administrators

Distribute as appropriate to those needed to carry out this direction.

This message provides an update pursuant to the recent <u>Court directive</u> addressing financial assistance. The Court directs that federal financial assistance shall not be paused based on the Office of Management and Budget's direction in the rescinded OMB memorandum or the President's Executive Orders, while ongoing litigation proceeds or until otherwise directed by a Court.

Consistent with the Order, the agency's financial system will now enable the obligation of financial assistance. This includes programs within the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, including federal financial assistance in the State and Tribal Assistance Grants, Brownfields, and Superfund. The Office of Budget will follow-up with a detailed list. Additionally, the disbursement of funds connected to this notice will continue.

OCFO, working closely with the Office of General Counsel and Office of Mission Support, will continue to keep the community updated on this matter.

cc: Lek Kadeli
Meshell Jones-Peeler
Paige Hanson
OCFO Senior Managers
Vonda Jennette
Greg Luebbering
Senior Resource Officials
Senior Budget Officers

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 26 of 101

Regional Comptrollers Funds Control Officers

Message

From: Shah, Monisha [Shah.Monisha@epa.gov]

Sent: 1/29/2025 7:37:17 PM

To: Wise, Melissa [wise.melissa@epa.gov]

CC: Brown, Devon [Brown.Devon@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Coogan, Daniel

[Coogan.Daniel@epa.gov]

Subject: RE: Recission of M-25-13

Thank you, Melissa!

From: Wise, Melissa <wise.melissa@epa.gov> **Sent:** Wednesday, January 29, 2025 2:36 PM **To:** Shah, Monisha <Shah.Monisha@epa.gov>

Cc: Brown, Devon <Brown.Devon@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Coogan, Daniel

<Coogan.Daniel@epa.gov>

Subject: RE: Recission of M-25-13

Hi Monisha,

I hope you are doing well too!

Currently, we are still in a holding pattern on those. We are seeking additional guidance and clarity. We understand the desire for resolution as soon as possible.

-Melissa

From: Shah, Monisha < Shah. Monisha@epa.gov > Sent: Wednesday, January 29, 2025 2:27 PM
To: Wise, Melissa < wise.melissa@epa.gov >

Cc: Brown, Devon < Brown. Devon@epa.gov >; Widawsky, David < Widawsky. David@epa.gov >

Subject: FW: Recission of M-25-13

Importance: High

Hi Melissa,

Hope you are keeping well during these dynamic times!

Ex. 5 Deliberative Process (DP)

Thank you, Monisha

From: Widawsky, David < Widawsky. David@epa.gov >

Sent: Wednesday, January 29, 2025 1:44 PM

To: Nowlan, Aileen < Nowlan. Aileen@epa.gov>; Shah, Monisha < Shah. Monisha@epa.gov>

Cc: Benkeser, Anna <Benkeser.Anna@epa.gov>

Subject: FW: Recission of M-25-13

Importance: High

FYSA, see note from Melissa, below.

We'll still need to understand

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)



David Widawsky, Ph.D.

Director, Office of the Greenhouse Gas Reduction Fund US Environmental Protection Agency

www.epa.gov/greenhouse-gas-reduction-fund

Phone: +1 202-566-2215 Mobile: +1 202-731-6718

Email: widawsky.david@epa.gov

1200 Pennsylvania Avenue, N.W.

Washington, DC 20460

From: Carpenter, Wesley < Carpenter. Wesley @epa.gov>

Sent: Wednesday, January 29, 2025 1:39 PM

To: AO Staff Office Directors and AA's < AO Staff Office Directors and AAs@epa.gov>; Quarles, Michael

<Quarles.Michael@epa.gov>; Adams, Anthony <Adams.Anthony@epa.gov>

Cc: Carter-Jenkins, Shakeba < Carter-Jenkins.Shakeba@epa.gov>

Subject: Recission of M-25-13

Importance: High

AO SODs, Michael & Anthony:

Good afternoon. Here is an update from OMB. Please let me know if you have any questions. Thanks.

Wes

Wesley Carpenter U.S. EPA Office of the Administrator Deputy Chief of Staff for Management Tel. No. 202-564-2019

Email: carpenter.wesley@epa.gov

Please note that I may have sent this note outside regular work hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal work hours.

From: Wise, Melissa < wise.melissa@epa.gov > Sent: Wednesday, January 29, 2025 1:34 PM

To: Brown, Devon < Brown. Devon@epa.gov >; Burch, Alfred < Burch. Alfred@epa.gov >; Dolan, Sheila

<dolan.sheila@epa.gov>; Fields, Robert <Fields.Robert@epa.gov>; Guerry, Jacqueline B <Guerry.Jacqueline@epa.gov>;

 $Hulstein, Sarah < \underline{\text{hulstein.sarah@epa.gov}}; Jewhurst, Sheri < \underline{\text{Jewhurst.Sheri@epa.gov}}; Johnson, Charlene$

<Johnson.Charlene@epa.gov>; Johnson, Peggy D. <johnson.peggyd@epa.gov>; Jordan, Ronza <jordan.ronza@epa.gov>;

Lentz, Rachel < Lentz.Rachel@epa.gov >; Manion, Andrea < Manion.Andrea.L@epa.gov >; Mendiola, Angela

< Mendiola. Angela@epa.gov >; O'Neal Jr., Rudnell R. < ONeal. Rudnell@epa.gov >; Puglisi, Peter < puglisi.peter@epa.gov >;

Rawls, Whitney <rawls.whitney@epa.gov>; Rose, Kenneth (he/him/his) <Rose.Kenneth@epa.gov>; Schindel, Phillip

<Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel

<Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>;

Tocci, Brian F. <Tocci.Brian@epa.gov>; Truong, Carolyn <Truong.Carolyn@epa.gov>; Tsing-Choy, Kathy <Tsing-Choy.Kathy@epa.gov>; Watkins, Christopher <Watkins.Christopher@epa.gov>; Burger, Riley <burseling

Chung, Angela (she/her/hers) <Chung.Angela@epa.gov>; Drake, Kerry (he/him/his)

Chung, Angela (she/her/hers)

Kristy <Fubanks.Kristy@epa.gov>; Johnson, Arthur

Johnson.Arthur@epa.gov>; Krehbiel, Ben

Krehbiel, Ben & Krehbiel,

Cc: Hublar, Jennifer < <u>Hublar.Jennifer@epa.gov</u>>; Whittaker, Sandy < <u>whittaker.sandy@epa.gov</u>>; OCFO-SROs < <u>OCFO_SROs@epa.gov</u>>; OMS-OGD-Grants JROs < OMS-OGD-Grants-JROs@epa.gov>

Subject: Recission of M-25-13

Importance: High

Good afternoon, GMOs, MSDDs, and Deputy MSDDs,

OMB has issued M-25-14 (attached) which rescinds M-25-13. IIJA and IRA grant activities remain on hold. Any grant activities not in conflict with the Executive Orders may now continue.

I will share new information with you as soon as it becomes available.

Melissa Wise

Director, Office of Grants and Debarment Office of Mission Support U.S. Environmental Protection Agency 1300 Pennsylvania Ave., NW Washington, D.C. 20460 (202) 924-9911

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.



2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 30 of 101

Message

From: Shah, Monisha [Shah.Monisha@epa.gov]

Sent: 1/29/2025 7:01:35 PM

To: Widawsky, David [Widawsky.David@epa.gov]; Nowlan, Aileen [Nowlan.Aileen@epa.gov]

CC: Benkeser, Anna [Benkeser.Anna@epa.gov]

Subject: RE: Recission of M-25-13

Cool

From: Widawsky, David < Widawsky. David@epa.gov>

Sent: Wednesday, January 29, 2025 2:01 PM

To: Shah, Monisha <Shah.Monisha@epa.gov>; Nowlan, Aileen <Nowlan.Aileen@epa.gov>

Cc: Benkeser, Anna <Benkeser.Anna@epa.gov>

Subject: RE: Recission of M-25-13

Go for it.

From: Shah, Monisha < Shah. Monisha@epa.gov > Sent: Wednesday, January 29, 2025 1:58 PM

To: Widawsky, David <Widawsky.David@epa.gov>; Nowlan, Aileen <Nowlan.Aileen@epa.gov>

Cc: Benkeser, Anna <Benkeser.Anna@epa.gov>

Subject: RE: Recission of M-25-13

Hi David,

I just met with Devon, and he said Melissa is fielding specific grants questions. He recommended Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks, Monisha

From: Widawsky, David < Widawsky. David@epa.gov>

Sent: Wednesday, January 29, 2025 1:44 PM

To: Nowlan, Aileen <Nowlan.Aileen@epa.gov>; Shah, Monisha <Shah.Monisha@epa.gov>

Cc: Benkeser, Anna <Benkeser.Anna@epa.gov>

Subject: FW: Recission of M-25-13

Importance: High

FYSA, see note from Melissa, below.

We'll still need to understand

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)



David Widawsky, Ph.D.

Director, Office of the Greenhouse Gas Reduction Fund US Environmental Protection Agency

www.epa.gov/greenhouse-gas-reduction-fund

Phone: +1 202-566-2215 Mobile: +1 202-731-6718

Email: widawsky.david@epa.gov

1200 Pennsylvania Avenue, N.W. Washington, DC 20460

From: Carpenter, Wesley < Carpenter. Wesley @epa.gov>

Sent: Wednesday, January 29, 2025 1:39 PM

To: AO Staff Office Directors and AA's <AO Staff Office Directors and AAs@epa.gov>; Quarles, Michael

<Quarles.Michael@epa.gov>; Adams, Anthony <Adams.Anthony@epa.gov>

Cc: Carter-Jenkins, Shakeba < Carter-Jenkins. Shakeba@epa.gov>

Subject: Recission of M-25-13

Importance: High

AO SODs, Michael & Anthony:

Good afternoon. Here is an update from OMB. Please let me know if you have any questions. Thanks.

Wes

Wesley Carpenter
U.S. EPA
Office of the Administrator
Deputy Chief of Staff for Management
Tel. No. 202-564-2019
Email: carpenter.wesley@epa.gov

Please note that I may have sent this note outside regular work hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal work hours.

From: Wise, Melissa < wise.melissa@epa.gov > Sent: Wednesday, January 29, 2025 1:34 PM

To: Brown, Devon <Brown.Devon@epa.gov>; Burch, Alfred <Burch.Alfred@epa.gov>; Dolan, Sheila <dolan.sheila@epa.gov>; Fields, Robert <Fields.Robert@epa.gov>; Guerry, Jacqueline B <Guerry.Jacqueline@epa.gov>; Hulstein, Sarah <hulstein.sarah@epa.gov>; Jewhurst, Sheri <Jewhurst.Sheri@epa.gov>; Johnson, Charlene <Johnson.Charlene@epa.gov>; Johnson, Peggy D. <johnson.peggyd@epa.gov>; Jordan, Ronza <jordan.ronza@epa.gov>; Lentz, Rachel <Lentz.Rachel@epa.gov>; Manion, Andrea <Manion.Andrea.L@epa.gov>; Mendiola, Angela <Mendiola.Angela@epa.gov>; O'Neal Jr., Rudnell R. <ONeal.Rudnell@epa.gov>; Puglisi, Peter <puglisi.peter@epa.gov>; Rawls, Whitney <rawls.whitney@epa.gov>; Rose, Kenneth (he/him/his) <Rose.Kenneth@epa.gov>; Schindel, Phillip <Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel <Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>; Tocci, Brian F. <Tocci.Brian@epa.gov>; Truong, Carolyn <Truong.Carolyn@epa.gov>; Tsing-Choy, Kathy <Tsing-Choy. Kathy@epa.gov>; Watkins, Christopher < Watkins. Christopher@epa.gov>; Burger, Riley < burger.riley@epa.gov>; Chung, Angela (she/her/hers) < Chung. Angela@epa.gov>; Drake, Kerry (he/him/his) < Drake. Kerry@epa.gov>; Eubanks, Kristy < Eubanks. Kristy@epa.gov >; Johnson, Arthur < Johnson. Arthur@epa.gov >; Krehbiel, Ben < Krehbiel. Ben@epa.gov >; McCluney, Lance (he/him/his) < McCluney.Lance@epa.gov>; Pace, Donald < Pace.Donald@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Sincock, Jennifer <Sincock.Jennifer@epa.gov>; Stanton, MaryA <Stanton.Marya@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Alford, Cecilia <alford.cecilia@epa.gov>; Clements, Mindy (she/her/hers) <<u>clements.mindy@epa.gov</u>>; Fox, Marshelle <<u>fox.marshelle@epa.gov</u>>; Hurley, Kevin <<u>Hurley.Kevin@epa.gov</u>>; Regan, Mickey <Regan.Mickey@epa.gov>; Scholten, Karly <Scholten.Karly@epa.gov>; Schuman, Kevin (he/him/his) <schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa

<<u>Smith.Melissa@epa.gov</u>>; Stone, Patrick <<u>Stone.Patrick@epa.gov</u>>; Timander, Linda (she/her/hers)

<Timander.Linda@epa.gov>; Weeks, Frederick < Weeks.Fred@epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>;

Sylvester, Kenneth <<u>Sylvester.Kenneth@epa.gov</u>>; Durand, Jessica <<u>Durand.Jessica@epa.gov</u>>; Holliday, Kysha (she/her/hers) <<u>Holliday.Kysha@epa.gov</u>>

Cc: Hublar, Jennifer < Hublar, Jennifer@epa.gov>; Whittaker, Sandy < whittaker.sandy@epa.gov>; OCFO-SROs

<<u>OCFO_SROs@epa.gov</u>>; OMS-OGD-Grants JROs <<u>OMS-OGD-Grants-JROs@epa.gov</u>>

Subject: Recission of M-25-13

Importance: High

Good afternoon, GMOs, MSDDs, and Deputy MSDDs,

OMB has issued M-25-14 (attached) which rescinds M-25-13. IIJA and IRA grant activities remain on hold. Any grant activities not in conflict with the Executive Orders may now continue.

I will share new information with you as soon as it becomes available.

Melissa Wise

Director, Office of Grants and Debarment Office of Mission Support U.S. Environmental Protection Agency 1300 Pennsylvania Ave., NW Washington, D.C. 20460 (202) 924-9911

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.



Message

From: Shah, Monisha [Shah.Monisha@epa.gov]

2/3/2025 2:39:07 PM Sent:

To: SFAteam [OGGRF-SFA@epa.gov]

Widawsky, David [Widawsky.David@epa.gov]; Zavala, Julie [Zavala.Julie@epa.gov] CC:

FW: Notice of Court's Order [OGD update] Subject:

Attachments: Notice of Temporary Restraining Order 01-31-2025.pdf; Notice of Court's Order

Importance: High

Hi Solar for All team,

Given this email, you are able to communicate with grantees and continue grant oversight activities.

OGGRF leadership are working with a few other parts of EPA to assess the impact on a few other ancillary activities, e.g., contracts, etc.

Best,

Monisha

From: Shah, Monisha < Shah. Monisha@epa.gov>

Sent: Monday, February 3, 2025 9:20 AM To: SFAteam < OGGRF-SFA@epa.gov>

Subject: FW: Notice of Court's Order [OGD update]

Importance: High

FYI – will try to provide more of an update soon

From: Zavala, Julie <Zavala.Julie@epa.gov> Sent: Monday, February 3, 2025 8:56 AM To: OGGRF-IO < OGGRF-IO@epa.gov>

Subject: FW: Notice of Court's Order [OGD update]

Importance: High

IO--FYI

From: Quarles, Michael < Quarles. Michael@epa.gov>

Sent: Monday, February 3, 2025 8:52 AM

To: Adams, Anthony <a dams. Anthony@epa.gov>; Araujo, Javier <a dams. Anthony@epa.gov>; Band, Michael

<Band.Michael@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; Bertaina, Stephanie

<<u>Bertaina.Stephanie@epa.gov</u>>; Cook-Shyovitz, Becky <<u>Cook-Shyovitz.Becky@epa.gov</u>>; Foster, John

< Foster. John@epa.gov >; Green, Holly < Green. Holly@epa.gov >; Gurkin, Charles < Gurkin. Charles@epa.gov >; Hafez,

Ahmed >"> Hall, Abby >"> Hoag, Paula@epa.gov">> Kok, Nancy

<<u>Kok.Nancy@epa.gov</u>>; Kramer, Melissa <<u>Kramer.Melissa@epa.gov</u>>; Moorhead, Casey <<u>Moorhead.Casey@epa.gov</u>>;

Murphy, Dan <Murphy.Dan@epa.gov>; Potter, Ginger <Potter.Ginger@epa.gov>; Thompson, Elnora

<Thompson.Elnora@epa.gov>; Zavala, Julie <Zavala.Julie@epa.gov>

Cc: Harvey, Luby < Harvey.Luby@epa.gov> Subject: FW: Notice of Court's Order

Importance: High

FYI

Have a great day,

Michael G. Quarles Junior Resource Official Office of the Administrator US Environmental Protection Agency 1200 Pennsylvania Ave. NW Washington, DC 20460 Mail Code 1104A (202) 343-9970

From: Wise, Melissa < wise.melissa@epa.gov > Sent: Monday, February 3, 2025 8:50 AM

To: Brown, Devon Brown, Alfred Burch, Alfred@epa.gov; Dolan, Sheila <dolan.sheila@epa.gov>; Fields, Robert <Fields.Robert@epa.gov>; Guerry, Jacqueline B <Guerry, Jacqueline@epa.gov>; Hulstein, Sarah <hulstein.sarah@epa.gov>; Jewhurst, Sheri <Jewhurst.Sheri@epa.gov>; Johnson, Charlene <Johnson.Charlene@epa.gov>; Johnson, Peggy D. <johnson.peggyd@epa.gov>; Jordan, Ronza <jordan.ronza@epa.gov>; Lentz, Rachel < Lentz. Rachel@epa.gov >; Manion, Andrea < Manion. Andrea. L@epa.gov >; Mendiola, Angela <Mendiola.Angela@epa.gov>; O'Neal Jr., Rudnell R. <ONeal.Rudnell@epa.gov>; Puglisi, Peter <puglisi.peter@epa.gov>; Rawls, Whitney <rawls.whitney@epa.gov>; Rose, Kenneth <Rose.Kenneth@epa.gov>; Schindel, Phillip <Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel <Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>; Tocci, Brian F. <Tocci.Brian@epa.gov>; Truong, Carolyn <Truong.Carolyn@epa.gov>; Tsing-Choy, Kathy <Tsing-Choy.Kathy@epa.gov>; Watkins, Christopher < Watkins.Christopher@epa.gov>; Burger, Riley < burger.riley@epa.gov>; Chung, Angela Chung, Angela @epa.gov>; Drake, Kerry Chung, Angela @epa.gov>; Eubanks, Kristy <Eubanks.Kristy@epa.gov>; Johnson, Arthur <Johnson.Arthur@epa.gov>; Krehbiel, Ben <Krehbiel.Ben@epa.gov>; McCluney, Lance < McCluney, Lance@epa.gov>; Pace, Donald < Pace. Donald@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Sincock, Jennifer <Sincock.Jennifer@epa.gov>; Stanton, MaryA <Stanton.Marya@epa.gov>; White, Lisa < WHITE.LISA@EPA.GOV >; Alford, Cecilia < alford.cecilia@epa.gov >; Clements, Mindy <clements.mindy@epa.gov>; Fox, Marshelle <fox.marshelle@epa.gov>; Hurley, Kevin <Hurley.Kevin@epa.gov>; Regan, Mickey <Regan.Mickey@epa.gov>; Scholten, Karly <Scholten.Karly@epa.gov>; Schuman, Kevin <schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa <Smith.Melissa@epa.gov>; Stone, Patrick <Stone.Patrick@epa.gov>; Timander, Linda <Timander.Linda@epa.gov>; Weeks, Frederick < Weeks. Fred@epa.gov >; Coogan, Daniel < Coogan. Daniel@epa.gov >; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Holliday, Kysha <Holliday.Kysha@epa.gov> Cc: Hublar, Jennifer < Hublar, Jennifer @epa.gov>; Whittaker, Sandy < whittaker, sandy @epa.gov>; OCFO-SROs <OCFO SROs@epa.gov>; OMS-OGD-Grants JROs <OMS-OGD-Grants-JROs@epa.gov>; Penny, Brent <Penny.Brent@epa.gov>; OCFO-SBO <OCFOSBO@epa.gov>

Subject: Notice of Court's Order

Importance: High

Good morning, GMOs, MSDDs, Deputy MSDDs, SROs, and JROs,

Please see the attached Notice of Court's Order (attachment 1) which OGD disseminated at 8:30am EST today to <u>all</u> grant recipients, agency-wide, through OGD's info box (attachment 2). You do not need to take further action.

Key Highlights:

- The Court's Order is a temporary restraining order.
- This effectively means <u>all</u> EPA grants can now continue, removing the previous pause that was applied to IIJA, IRA, and EJ awards.
- To reiterate, <u>all</u> EPA grant actions can now continue until further notice.

If you have any questions, please let me know. I will continue to share new information as soon as it becomes available.

Melissa Wise

Director, Office of Grants and Debarment Office of Mission Support U.S. Environmental Protection Agency 1300 Pennsylvania Ave., NW Washington, D.C. 20460 (202) 924-9911

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; STATE OF CALIFORNIA; STATE OF ILLINOIS; STATE OF RHODE ISLAND; STATE OF NEW JERSEY; COMMONWEALTH OF MASSACHUSETTS; STATE OF ARIZONA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; STATE OF HAWAI'I; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NORTH CAROLINA; STATE OF NEW MEXICO; STATE OF OREGON; STATE OF VERMONT; STATE OF WASHINGTON; and STATE OF WISCONSIN.

Plaintiffs.

v.

DONALD TRUMP, in his Official Capacity as President of the United States; U.S. OFFICE OF MANAGEMENT AND BUDGET; MATTHEW J. VAETH, in his Official Capacity as Acting Director of the U.S. Office of Management and Budget, U.S. DEPARTMENT OF THE TREASURY; SCOTT BESSENT, in his Official Capacity as Secretary of the Treasury; PATRICIA COLLINS. in her Official Capacity as Treasurer of the U.S.; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; DOROTHY A. FINK, M.D., in her Official Capacity As Acting Secretary Of Health And Human Services; U.S. DEPARTMENT OF EDUCATION; DENISE CARTER, in her Official Capacity as Acting Secretary of Education; U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY; CAMERON HAMILTON, in

C.A. No. 25-cv-39-JJM-PAS

his Official Capacity as Acting Administrator of the U.S. Federal Emergency Management Agency; U.S. DEPARTMENT OF TRANSPORTATION; JUDITH KALETA, in her Official Capacity as Acting Secretary of Transportation; U.S. DEPARTMENT OF LABOR; VINCE MICONE, in his Official Capacity as Acting Secretary of Labor, U.S. DEPARTMENT OF ENERGY; INGRID KOLB, in her Official Capacity as Acting Secretary of the U.S. Department of Energy, U.S. ENVIRONMENTAL PROTECTION AGENCY; JAMES PAYNE. in his Official Capacity as Acting Administrator of the U.S. Environmental Protection Agency; U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, in her Capacity as Secretary of the U.S. Department of Homeland Security; U.S. DEPARTMENT OF JUSTICE; JAMES R. McHENRY III, in his Official Capacity as Acting Attorney General of the U.S. Department of Justice; THE NATIONAL SCIENCE FOUNDATION; and DR. SETHURAMAN PANCHANATHAN, in his Capacity as Director of the National Science Foundation, Defendants.

TEMPORARY RESTRAINING ORDER

The legal standard for a Temporary Restraining Order ("TRO") mirrors that of a preliminary injunction. The Plaintiff States must show that weighing these four factors favors granting a TRO:

- 1. likelihood of success on the merits;
- 2. potential for irreparable injury;
- 3. balance of the relevant equities; and

4. effect on the public interest if the Court grants or denies the TRO.

Planned Parenthood League v. Bellotti, 641 F.2d 1006, 1009 (1st Cir. 1981). The traditional equity doctrine that preliminary injunctive relief is an extraordinary and drastic remedy that is never awarded as of right guides the Court. *Id.* The Court is also fully aware of the judiciary's role as one of the three independent branches of government, and that the doctrine of separation of powers restricts its reach into the Executive Branch. The Court now turns to the four factors.

Likelihood of Success on the Merits

We begin with what courts have called a key factor—a consideration of the movant's likelihood of success on the merits.

In <u>Count I</u>, the States allege that the Executive's actions by the Office of Management and Budget ("OMB")¹ violate the Administrative Procedure Act ("APA")² because Congress has not delegated any unilateral authority to the Executive to indefinitely pause all federal financial assistance without considering the statutory and contractual terms governing these billions of dollars of grants.

In <u>Count II</u>, the States allege that the Executive's actions violate the APA because the failure to spend funds appropriated by Congress is arbitrary and capricious in multiple respects.

¹ See *supra* for discussion of mootness.

² 5 U.S.C. § 551 et seq.

In **Count III**, the States allege that the failure to spend funds appropriated by Congress violates the separation of powers because the Executive has overridden Congress' judgments by refusing to disburse already-allocated funding for many federal grant programs.

In <u>Count IV</u>, the States allege a violation of the Spending Clause of the U.S. Constitution. U.S. Const. art. I, § 8, cl. law 1.

And in **Count V**, the States allege a violation of the presentment (U.S. Const. art. I, § 7, cl. 2), appropriations (U.S. Const. art. I, § 7), and take care clauses (U.S. Const. art. II, § 3, cl. 3) (the Executive must "take care that the laws be faithfully executed . . .").

Because of the breadth and ambiguity of the "pause," the Court must consider the States' TRO motion today based on the effect it will have on many—but perhaps not all—grants and programs it is intended to cover. Are there some aspects of the pause that might be legal and appropriate constitutionally for the Executive to take? The Court imagines there are, but it is equally sure that there are many instances in the Executive Orders' wide-ranging, all-encompassing, and ambiguous "pause" of critical funding that are not. The Court must act in these early stages of the litigation under the "worst case scenario" because the breadth and ambiguity of the Executive's action makes it impossible to do otherwise.

The Court finds that, based on the evidence before it now, some of which is set forth below, the States are likely to succeed on the merits of some, if not all, their claims. The reasons are as follows:

• The Executive's action unilaterally suspends the payment of federal funds to the States and others simply by choosing to do so, no matter the authorizing or appropriating statute, the regulatory regime, or the terms of the grant itself.

The Executive cites no legal authority allowing it to do so; indeed, no federal law would authorize the Executive's unilateral action here.

- Congress has instructed the Executive to provide funding to States based on stated statutory factors—for example, population or the expenditure of qualifying State funds. By trying to impose certain conditions on this funding, the Executive has acted contrary to law and in violation of the APA.
- The Executive Orders threaten the States' ability to conduct essential activities and gave the States and others less than 24 hours' notice of this arbitrary pause, preventing them from making other plans or strategizing how they would continue to function without these promised funds.
- Congress appropriated many of these funds, and the Executive's refusal to disburse them is contrary to congressional intent and directive and thus arbitrary and capricious.
- Congress has not given the Executive limitless power to broadly and indefinitely pause all funds that it has expressly directed to specific recipients and purposes and therefore the Executive's actions violate the separation of powers.

Judge Bruce M. Selya of the First Circuit succinctly set out the black letter law about appropriated funds and Executive powers:

When an executive agency administers a federal statute, the agency's power to act is "authoritatively prescribed by Congress." *City of Arlington v. FCC*, 569 U.S. 290, 297, 133 S. Ct. 1863, 185 L. Ed. 2d 941 (2013). It is no exaggeration to say that "an agency literally has no power to act ... unless and until Congress confers power upon it." *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374, 106 S. Ct. 1890, 90 L. Ed. 2d 369 (1986). Any action that an agency takes outside the bounds of its statutory authority is ultra vires, see *City of Arlington*, 569 U.S. at 297, 133 S. Ct. 1863, and violates the Administrative Procedure Act, see 5 U.S.C. § 706(2)(C).

City of Providence v. Barr, 954 F.3d 23, 31 (1st Cir. 2020).

The Executive's statement that the Executive Branch has a duty "to align Federal spending and action with the will of the American people as expressed through Presidential priorities," (ECF No. 48-1 at 11) (emphasis added) is a constitutionally flawed statement. The Executive Branch has a duty to align federal spending and action with the will of the people as expressed through congressional appropriations, not through "Presidential priorities." U.S. Const. art. II, § 3, cl. 3 (establishing that the Executive must "take care that the laws be faithfully executed . . ."). Federal law specifies how the Executive should act if it believes that appropriations are inconsistent with the President's priorities—it must ask Congress, not act unilaterally. The Impoundment Control Act of 1974 specifies that the President may ask that Congress rescind appropriated funds.³ Here, there is no evidence that the Executive has followed the law by notifying Congress and thereby effectuating a potentially legally permitted so-called "pause."

³ If both the Senate and the House of Representatives have not approved a rescission proposal (by passing legislation) within forty-five days of continuous session, any funds the Executive is withholding must be made available for obligation.

Justice Brett Kavanaugh wrote when he was on the D.C. Circuit:

Like the Commission here, a President sometimes has policy reasons (as distinct from constitutional reasons, cf. infra note 3) for wanting to spend less than the full amount appropriated by Congress for a particular project or program. But in those circumstances, even the President does not have unilateral authority to refuse to spend the funds. Instead, the President must propose the rescission of funds, and Congress then may decide whether to approve a rescission bill. See 2 U.S.C. § 683; see also Train v. City of New York, 420 U.S. 35, 95 S. Ct. 839, 43 L. Ed. 2d 1 (1975); Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, to Edward L. Morgan, Deputy Counsel to the President (Dec. 1, 1969), reprinted in Executive Impoundment of Appropriated Funds: Hearings Before the Subcomm. on Separation of Powers of the S. Comm. on the Judiciary, 92d Cong. 279, 282 (1971) ("With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.")

In re Aiken Cnty., 725 F.3d 255, 261, n.1 (D.C. Cir. 2013).

The Court finds that the record now before it substantiates the likelihood of a successful claim that the Executive's actions violate the Constitution and statutes of the United States.

The Court now moves on to the remaining three injunction considerations.

Irreparable Harm

The States have put forth sufficient evidence at this stage that they will likely suffer severe and irreparable harm if the Court denies their request to enjoin enforcement of the funding pause.

 All the States rely on federal funds to provide and maintain vital programs and services and have introduced evidence that the withholding of federal funds will cause severe disruption in their ability to administer such vital services even if it is for a brief time.

- The States detail many examples of where the Executive's overarching pause on funding that Congress has allocated will harm them and their citizens. These programs range from highway planning and construction, childcare, veteran nursing care funding, special education grants, and state health departments, who receive billions of dollars to run programs that maintain functional health systems. *See, e.g.*, ECF No. 3-1 at 56 (highway construction programs in Delaware), at 73 (childcare programs in Michigan), at 113 (veterans nursing care funding in Washington state), at 77 (special education programs in Minnesota), and at 100–01 (health care programs in New Mexico).
- The pause in federal funding will also hurt current disaster relief efforts. The States assert that the pause applies to federal actions directing federal financial assistance to North Carolina to address the damage inflicted by Hurricane Helene and to any Federal Emergency Management Agency grant money not yet disbursed, including key support for California's ongoing response to the fires. ECF No. 1 ¶¶ 80–81.
- A January 28, 2025, email from Shannon Kelly, the Director of the National High Intensity Drug Case Trafficking Areas (HIDTA) program, who aids law enforcement in high drug-trafficking areas, shows that payments to state-based HIDTA programs have been paused, putting the public's safety at risk. *Id.* ¶ 83.

The States have set forth facts showing that the Executive's abrupt "pause" in potentially trillions of dollars of federal funding will cause a ripple effect that would directly impact the States and other's ability to provide and administer vital services and relief to their citizens. Thus, the federal grants to States and others that are impounded through the Executive's pause in disbursement will cause irreparable harm.

And it is more than monetary harm that is at stake here. As Justice Anthony Kennedy reminds us, "Liberty is always at stake when one or more of the branches seek to transgress the separation of powers." *Clinton v. City of New York*, 524 U.S. 417, 449–50 (1998) (Kennedy, J. concurring)

Balance of the Equities and Public Interest

As the Court considers the final two factors, the record shows that the balance of equities weighs heavily in favor of granting the States' TRO.

- If the Defendants are prevented from enforcing the directive contained in the OMB Directive, they merely would have to disburse funds that Congress has appropriated to the States and others.
- On the other hand, if the Court denies the TRO, the funding that the States and others are presumably due under law is in an indefinite limbo—a hardship worsened by the fact that the States had less than 24 hours' notice to act in anticipation of the funding shortfall.
- The fact that the States have shown a likelihood of success on the merits strongly suggests that a TRO would serve the public interest. Moreover, the

public interest further favors a TRO because absent such an order, there is a substantial risk that the States and its citizens will face a significant disruption in health, education, and other public services that are integral to their daily lives due to this pause in federal funding.

The evidence in the record at this point shows that, despite the rescission of the OMB Directive, the Executive's decision to pause appropriated federal funds "remains in full force and effect." ECF No. 44.

Mootness

The Defendants now claim that this matter is most because it rescinded the OMB Directive. But the evidence shows that the alleged rescission of the OMB Directive was in name-only and may have been issued simply to defeat the jurisdiction of the courts. The substantive effect of the directive carries on.

Messaging from the White House and agencies proves the point. At 2:04 EST, less than an hour before the Court's hearing on the States' motion on Wednesday, the Defendants filed a Notice saying, "OMB elected to rescind that challenged Memorandum. See OMB Mem. M-25-14, Rescission of M-25-13 (Jan. 28, 2025) ('OMB Memorandum M-25-13 is rescinded.')." ECF No. 43. Yet about twenty minutes before the Defendants filed the Notice, the President's Press Secretary sent a statement via the X platform that said: "The President's [Executive Orders] EO's on federal funding remain in full force and effect and will be rigorously implemented." ECF No. 44. And then the following day (January 30, 2025 at 7:50 MST and again at 5:27 p.m. EST) after the so-called rescission, the Environmental Protection Agency, in an email to

federal grant recipients, said that the awarded money could not be disbursed while it worked "diligently to implement the [OMB] Memorandum, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, to align Federal spending and action with the will of the American people as expressed through President Trump's priorities. The agency is temporarily pausing all activities related to the obligation or disbursement of EPA Federal financial assistance at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the memorandum." ECF No. 48-1 at 6, 11.

Based on the Press Secretary's unequivocal statement and the continued actions of Executive agencies, the Court finds that the policies in the OMB Directive that the States challenge here are still in full force and effect and thus the issues presented in the States' TRO motion are not moot.

Conclusion

Consistent with the findings above, and to keep the status quo, the Court hereby ORDERS that a TEMPORARY RESTRAINING ORDER is entered in this case until this Court rules on the States' forthcoming motion for a preliminary injunction, which the States shall file expeditiously.

During the pendency of the Temporary Restraining Order, Defendants shall not pause, freeze, impede, block, cancel, or terminate Defendants' compliance with awards and obligations to provide federal financial assistance to the States, and Defendants shall not impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

If Defendants engage in the "identif[ication] and review" of federal financial assistance programs, as identified in the OMB Directive, such exercise shall not affect a pause, freeze, impediment, block, cancellation, or termination of Defendants' compliance with such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

Defendants shall also be restrained and prohibited from reissuing, adopting, implementing, or otherwise giving effect to the OMB Directive under any other name or title or through any other Defendants (or agency supervised, administered, or controlled by any Defendant), such as the continued implementation identified by the White House Press Secretary's statement of January 29, 2025. ECF No. 44.

Defendants' attorneys shall provide written notice of this Order to all Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m. Defendants shall file a copy of the notice on the docket at the same time.

Defendants shall comply with all notice and procedural requirements in the award, agreement, or other instrument relating to decisions to stop, delay, or otherwise withhold federal financial assistance programs.

The TRO shall be in effect until further Order of this Court. A preliminary hearing, at which time the States will have to produce specific evidence in support of a preliminary injunction, will be set shortly at a day and time that is convenient to the parties and the Court.

IT IS SO ORDERED.

s/John J. McConnell, Jr.

John J. McConnell, Jr.
Chief Judge
United States District Court for the District of Rhode Island

January 31, 2025

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 49 of 101

Message

From: EPA_Grants_Info [EPA_Grants_Info@epa.gov]

Sent: 2/3/2025 1:31:47 PM
Subject: Notice of Court's Order

Attachments: Notice of Temporary Restraining Order 01-31-2025.pdf

Dear Grant Recipient,

Pursuant to the Court's directive in *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025) <u>all EPA assistance agreement recipients</u> are receiving the attached Notice of the Court's Order for awareness and information. A copy of the Court's Order is also attached for reference. If you have any questions about the scope or effect of the Court's Order, please contact your Grants Award Official.

Thank you.

Please do not reply to this message. This mailbox is not monitored.

Message

From: Zavala, Julie [Zavala.Julie@epa.gov]

Sent: 1/30/2025 3:52:55 PM

To: Bradford, Nicholas (he/him/his) [Bradford.Nicholas@epa.gov]; Benkeser, Anna [Benkeser.Anna@epa.gov];

Widawsky, David [Widawsky.David@epa.gov]; Christopher, Katherine [Christopher.Katherine@epa.gov]

CC: Shah, Monisha [Shah.Monisha@epa.gov]

Subject: RE: Response Requested: Grantee Account Status Inquiry

+ Katherine in case she had any additional guidance.

Julie Zavala

Deputy Director, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

Mobile: 202-817-0114

From: Bradford, Nicholas (he/him/his) <Bradford.Nicholas@epa.gov>

Sent: Thursday, January 30, 2025 10:14 AM

To: Benkeser, Anna <Benkeser.Anna@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Zavala, Julie

<Zavala.Julie@epa.gov>

Cc: Shah, Monisha < Shah. Monisha@epa.gov>

Subject: RE: Response Requested: Grantee Account Status Inquiry

Hi Anna,

Thanks for providing the language below. I'll send to other POs in case they also get questions from grantees regarding the pause.

Best, Nick



Nick Bradford

Environmental Protection Specialist Solar for All Office of the Greenhouse Gas Reduction Fund US Environmental Protection Agency

Phone: 202-566-0813 My Pronouns: he/him/his

From: Benkeser, Anna < Benkeser. Anna@epa.gov >

Sent: Thursday, January 30, 2025 9:43 AM

To: Bradford, Nicholas (he/him/his) <Bradford.Nicholas@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>;

Zavala, Julie < Zavala. Julie@epa.gov>

Cc: Shah, Monisha < Shah. Monisha@epa.gov >

Subject: Re: Response Requested: Grantee Account Status Inquiry

Hi Nick,

I defer to @Widawsky, David / @Zavala, Julie, but I would suggest sharing the following guidance we received from OMS. I believe grantees should have received this note as well (it would have gone to the Program Manager listed on their award agreement, which may not be the most current POC).

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 51 of 101

Ex. 5 Deliberative Process (DP)

Thanks, Anna

Anna Benkeser

Chief of Staff, Office of the Greenhouse Gas Reduction Fund U.S. Environmental Protection Agency 240-935-2907

From: Bradford, Nicholas (he/him/his) < Bradford.Nicholas@epa.gov >

Sent: Thursday, January 30, 2025 9:01 AM **To:** Benkeser, Anna < Benkeser. Anna@epa.gov > Cc: Shah, Monisha < Shah. Monisha@epa.gov >

Subject: Response Requested: Grantee Account Status Inquiry

Hi Anna and Monisha,

FYI that it seems like Clean Energy Fund of Texas is unable to drawdown funds at the moment.

Is there any additional information or guidance I can provide for them other than what I stated below?

Thanks,

Nick



Nick Bradford

Environmental Protection Specialist
Solar for All
Office of the Greenhouse Gas Reduction Fund
US Environmental Protection Agency

Phone: 202-566-0813 My Pronouns: he/him/his

From: Bradford, Nicholas (he/him/his)
Sent: Thursday, January 30, 2025 9:00 AM
To: 'Teresa Morales' < tmorales@txcef.org

Cc: Shahara Wright <sdwright@txcef.org>; bbriscoe@txcef.org; srconklin_txcef.org <srconklin@txcef.org>

Subject: RE: Account Status Inquiry

Hi Teresa,

Thanks for reaching out. I currently don't have any additional guidance on this but will ask around and try to get a response for you.

Best,

Nick



Nick Bradford

Environmental Protection Specialist

Solar for All

Office of the Greenhouse Gas Reduction Fund

US Environmental Protection Agency

Phone: 202-566-0813 My Pronouns: he/him/his

From: Teresa Morales < tmorales@txcef.org > Sent: Wednesday, January 29, 2025 4:24 PM

To: Bradford, Nicholas (he/him/his) < Bradford.Nicholas@epa.gov>

Cc: Shahara Wright <sdwright@txcef.org>; bbriscoe@txcef.org; srconklin_txcef.org <srconklin@txcef.org>

Subject: Account Status Inquiry

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hello Nick,

I hope this email finds you well.

We are reaching out concerning the status of our ASAP account, which is showing as "Suspended." Additionally, Ex. 4 CBI in connection with our Solar for All award. We have not yet received these funds.

We understand that, on January 27, 2025, the acting director of the Office of Management and Budget issued Memorandum M-25-13 directing federal agencies to "pause," among other activities, "disbursement of Federal funds under all open awards." On January 28, 2025, a federal district court ordered an administrative stay of this memorandum until 5:00 p.m. on February 3, 2025 and, "[d]uring the pendency of the stay, [the Environmental Protection Agency, among other federal agencies] shall refrain from implementing OMB Memorandum M-25-13 with respect to the disbursement of Federal funds under all open awards." We further understand that OMB Memorandum M-25-13 was rescinded earlier today.

As the court's order applies to the disbursement of funds under our Solar for All award, and because OMB Memorandum M-25-13 has now been rescinded, please confirm that (i) the "Suspended" status on our ASAP account has been lifted and (ii) our January 28, 2025 drawdown request will be quickly approved. Pursuant to EPA's General Terms and Conditions, EPA may only "reject[] [a drawdown request] based on the amount of available funds authorized by EPA in the recipient's ASAP account" and we have sufficient available funds for the pending drawdown request. If EPA intends to maintain the account suspension and/or to deny our drawdown request, please provide EPA's basis for these actions.

The delay in obtaining these funds interferes with our project's progress, the ability to pay employees' salaries and subcontractors, our hiring, and other critical aspects of our operations. We appreciate your quick response.

Thank you,

Teresa Morales

Clean Energy Fund of Texas
Program Director, Solar for All
832-240-9118 | main
832-432-1974 | direct
https://cleanfundtx.org/



2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 54 of 101

Message

From: Christopher, Katherine [Christopher.Katherine@epa.gov]

Sent: 1/31/2025 5:11:54 PM

To: Benkeser, Anna [Benkeser.Anna@epa.gov]; Shah, Monisha [Shah.Monisha@epa.gov]; Zavala, Julie

[Zavala.Julie@epa.gov]

CC: Widawsky, David [Widawsky.David@epa.gov]

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Attachments: Pause EPA Grants

Hello all,

Please see the latest guidance on responses to grantees that I have received from my management, which I believe addresses some of the questions regarding actions around oversight:

Ex. 5 AC/DP

Please continue to raise questions to OGC as they come up, or feel free to reach out directly by Teams/phone.

Thank you,

Katherine L. Christopher (she/her)

Attorney-Advisor Civil Rights & Finance Law Office Office of General Counsel

U.S. Environmental Protection Agency

Office: (202) 564-0339 Mobile: (612) 723-2295

Christopher.Katherine@epa.gov

From: Benkeser, Anna <Benkeser.Anna@epa.gov>

Sent: Friday, January 31, 2025 10:45 AM

To: Christopher, Katherine < Christopher.Katherine@epa.gov>; Shah, Monisha < Shah.Monisha@epa.gov>; Zavala, Julie

<Zavala.Julie@epa.gov>

Cc: Widawsky, David < Widawsky. David@epa.gov>

Subject: Re: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Thank you, Katherine. I think I speak for all of us when I say we're extremely appreciative of all of your support here and completely understand; we're all in the same boat.

Anna Benkeser

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 55 of 101

Chief of Staff, Office of the Greenhouse Gas Reduction Fund U.S. Environmental Protection Agency 240-935-2907

From: Christopher, Katherine < Christopher.Katherine@epa.gov>

Sent: Friday, January 31, 2025 9:52 AM

To: Shah, Monisha <Shah.Monisha@epa.gov>; Zavala, Julie <Zavala.Julie@epa.gov>

Cc: Widawsky, David <Widawsky.David@epa.gov>; Benkeser, Anna <Benkeser.Anna@epa.gov>

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Thank you all for these questions. I am sorry for my delay in responding directly to you,

Ex. 5 AC/DP

Ex. 5 AC/DP

Best,

Katherine L. Christopher (she/her)

Attorney-Advisor
Civil Rights & Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency

Office: (202) 564-0339 Mobile: (612) 723-2295

Christopher.Katherine@epa.gov

From: Shah, Monisha <<u>Shah.Monisha@epa.gov</u>>

Sent: Thursday, January 30, 2025 1:42 PM

To: Zavala, Julie < Zavala.Julie@epa.gov>; Christopher, Katherine < Cc: Widawsky, David < Widawsky.David@epa.gov>; Benkeser, Anna < Benkeser.Anna@epa.gov>

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Another question is if we can work with NREL on providing technical assistance to grantees.

If helpful to schedule time to discuss, please let us know.

Thanks, Monisha

From: Zavala, Julie < Zavala.Julie@epa.gov>
Sent: Thursday, January 30, 2025 11:30 AM

To: Christopher, Katherine < Christopher.Katherine@epa.gov>

Cc: Shah, Monisha < Shah. Monisha@epa.gov >; Widawsky, David < Widawsky. David@epa.gov >; Benkeser, Anna

<Benkeser.Anna@epa.gov>

Subject: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Katherine,

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 56 of 101

For the Solar for All program, in light of the attached, we wanted to confirm that our project officers can still conduct program oversight activities and interact with grantees. Some examples of program oversight topics might include, but are not limited to:

- Fiscal Stewardship
- Timeline and Milestones
- Quality Assurance
- Reporting
- Planning Period Progress
- Details in their workplans on meaningful benefits, e.g., household savings, solar access, workforce development, etc.
- Financial Assistance Strategy
- Project Deployment Technical Assistance, e.g., Workforce development, Resilient Assets/Project Siting and Permitting
- Solar Access and Meaningful Involvement Plan, e.g., Communities served, education and outreach

Thank you, Julie

Julie Zavala

Deputy Director, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

Mobile: 202-817-0114

From: Carpenter, Wesley < Carpenter. Wesley@epa.gov >

Sent: Wednesday, January 29, 2025 9:35 AM

To: AO Staff Office Directors and AA's < AO Staff Office Directors and AAs@epa.gov >; Breaux, Dawn

<Breaux.Dawn@epa.gov>; Harvey, Luby <Harvey.Luby@epa.gov>; Quarles, Michael <Quarles.Michael@epa.gov>;

Adams, Anthony < Adams. Anthony@epa.gov>

Cc: Carter-Jenkins, Shakeba < <u>Carter-Jenkins.Shakeba@epa.gov</u>> **Subject:** FW: Communication Sent to IIJA and IRA Recipients

FYI.

From: Wise, Melissa < wise.melissa@epa.gov > Sent: Wednesday, January 29, 2025 7:51 AM

To: OCFO-SROs < OCFO_SROs@epa.gov>; OMS-OGD-Grants JROs < OMS-OGD-Grants-JROs@epa.gov> **Cc:** Sylvester, Kenneth < Sylvester, Kenneth @epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>

Subject: FW: Communication Sent to IIJA and IRA Recipients

Good morning, SROs and JROs,

Sharing for your awareness.

Thank you, Melissa

From: Wise, Melissa

Sent: Tuesday, January 28, 2025 5:16 PM

To: Brown, Devon Brown.Devon@epa.gov">Burch, Alfred Burch, Alfred Burch, Alfred@epa.gov">Burch, Alfred@epa.gov; Dolan, Sheila dolan.sheila@epa.gov; Fields, Robert Fields.Robert@epa.gov; Guerry, Jacqueline &a.gov; Johnson, Charlene@epa.gov; Johnson, Charlene@epa.gov; Johnson, Charlene@epa.gov; Johnson, Peggy D. Johnson, Ronza Johnson, Charlene@epa.gov; Mendiola, Angela Mendiola, Angela Johnson, Peggyd@epa.gov); Rose, Kenneth (he/him/his) Rose, Kenneth @epa.gov); Schindel, Phillip

<Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel <Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>; Tocci, Brian F. <Tocci.Brian@epa.gov>; Truong, Carolyn <Truong.Carolyn@epa.gov>; Tsing-Choy, Kathy <Tsing-Choy. Kathy@epa.gov>; Watkins, Christopher < Watkins. Christopher@epa.gov>; Burger, Riley < burger.riley@epa.gov>; Chung, Angela (she/her/hers) < Chung. Angela @epa.gov >; Drake, Kerry (he/him/his) < Drake. Kerry @epa.gov >; Eubanks, Kristy < Eubanks. Kristy@epa.gov >; Johnson, Arthur < Johnson. Arthur@epa.gov >; Krehbiel, Ben < Krehbiel. Ben@epa.gov >; McCluney, Lance (he/him/his) < McCluney.Lance@epa.gov>; Pace, Donald < Pace.Donald@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Sincock, Jennifer <Sincock.Jennifer@epa.gov>; Stanton, MaryA <Stanton.Marya@epa.gov>; White, Lisa < WHITE.LISA@EPA.GOV >; Alford, Cecilia < alford.cecilia@epa.gov >; Clements, Mindy (she/her/hers) <clements.mindy@epa.gov>; Fox, Marshelle <fox.marshelle@epa.gov>; Hurley, Kevin <Hurley.Kevin@epa.gov>; Regan, Mickey <Regan.Mickey@epa.gov>; Scholten, Karly <Scholten.Karly@epa.gov>; Schuman, Kevin (he/him/his) <schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa <Smith.Melissa@epa.gov>; Stone, Patrick <Stone.Patrick@epa.gov>; Timander, Linda (she/her/hers) <Timander.Linda@epa.gov>; Weeks, Frederick <Weeks.Fred@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Holliday, Kysha (she/her/hers) < Holliday. Kysha@epa.gov> Cc: Hublar, Jennifer < Hublar. Jennifer@epa.gov>; Whittaker, Sandy < whittaker.sandy@epa.gov>

Good evening, GMOs, MSDDs, and Deputy MSDDs,

Subject: Communication Sent to IIJA and IRA Recipients

Consistent with OCFO Guidance, OGD has sent the attached email communication to all IIJA and IRA grantees agency wide through our info box. I will continue to share any new information and communication as it becomes available.

Thank you, Melissa

From: Wise, Melissa

Sent: Tuesday, January 28, 2025 7:38 AM

To: Brown, Devon <Brown.Devon@epa.gov>; Burch, Alfred <Burch.Alfred@epa.gov>; Dolan, Sheila <dolan.sheila@epa.gov>; Fields, Robert <Fields.Robert@epa.gov>; Guerry, Jacqueline B <Guerry, Jacqueline@epa.gov>; Hulstein, Sarah <hulstein.sarah@epa.gov>; Jewhurst, Sheri <Jewhurst.Sheri@epa.gov>; Johnson, Charlene <<u>Johnson.Charlene@epa.gov</u>>; Johnson, Peggy D. <<u>johnson.peggyd@epa.gov</u>>; Jordan, Ronza <<u>jordan.ronza@epa.gov</u>>; Lentz, Rachel < Lentz. Rachel@epa.gov>; Manion, Andrea < Manion. Andrea. L@epa.gov>; Mendiola, Angela <Mendiola.Angela@epa.gov>; O'Neal Jr., Rudnell R. <ONeal.Rudnell@epa.gov>; Puglisi, Peter <puglisi.peter@epa.gov>; Rawls, Whitney <rawls.whitney@epa.gov>; Rose, Kenneth (he/him/his) <Rose.Kenneth@epa.gov>; Schindel, Phillip <Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel <Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>; Tocci, Brian F.
Truong, Carolyn
Truong.Carolyn@epa.gov
Truong.Carolyn@epa.gov
Tsing-Choy, Kathy
Tocci.Brian@epa.gov
Tocci.Brian@epa.gov Choy. Kathy@epa.gov>; Watkins, Christopher < Watkins. Christopher@epa.gov>; Burger, Riley < burger.riley@epa.gov>; Chung, Angela (she/her/hers) < Chung. Angela@epa.gov>; Drake, Kerry (he/him/his) < Drake. Kerry@epa.gov>; Eubanks, Kristy <Eubanks.Kristy@epa.gov>; Johnson, Arthur <Johnson.Arthur@epa.gov>; Krehbiel, Ben <Krehbiel.Ben@epa.gov>; McCluney, Lance (he/him/his) < McCluney.Lance@epa.gov>; Pace, Donald < Pace.Donald@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Sincock, Jennifer <Sincock.Jennifer@epa.gov>; Stanton, MaryA <Stanton.Marya@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Alford, Cecilia <alford.cecilia@epa.gov>; Clements, Mindy (she/her/hers) <clements.mindy@epa.gov>; Fox, Marshelle <fox.marshelle@epa.gov>; Hurley, Kevin <Hurley.Kevin@epa.gov>; Regan, Mickey <Regan.Mickey@epa.gov>; Scholten, Karly <Scholten.Karly@epa.gov>; Schuman, Kevin (he/him/his) <schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa <Smith.Melissa@epa.gov>; Stone, Patrick <Stone.Patrick@epa.gov>; Timander, Linda (she/her/hers) <Timander.Linda@epa.gov>; Weeks, Frederick < Weeks.Fred@epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Holliday, Kysha (she/her/hers) < Holliday. Kysha@epa.gov>

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 58 of 101

Cc: Hublar, Jennifer < Hublar. Jennifer@epa.gov>; Whittaker, Sandy < whittaker.sandy@epa.gov>

Subject: Guidance from OCFO

Good morning, GMOs, MSDDs, and Deputy MSDDs,

I am sharing the OCFO Guidance on implementing the IIJA and IRA pause which was signed yesterday evening. I will continue to share any new information as it becomes available.

Thank you,

Melissa Wise
Director, Office of Grants and Debarment
Office of Mission Support
U.S. Environmental Protection Agency
1300 Pennsylvania Ave., NW
Washington, D.C. 20460
(202) 924-9911

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.



2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 59 of 101

Message

From: EPA_Grants_Info [EPA_Grants_Info@epa.gov]

Sent: 1/28/2025 9:41:00 PM Subject: Pause EPA Grants

Dear Grant Recipient,

EPA is working diligently to implement President Trump's <u>Unleashing American Energy</u> Executive Order issued on January 20 in coordination with the Office of Management and Budget. The agency has paused all funding actions related to the Inflation Reduction Act and the Infrastructure Investment and Jobs Act at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the Executive Order.

Thank you.

Please do not reply to this message. This mailbox is not monitored.

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 60 of 101

Message

From: Christopher, Katherine [Christopher.Katherine@epa.gov]

Sent: 1/31/2025 5:48:30 PM

To: Zavala, Julie [Zavala.Julie@epa.gov]; Benkeser, Anna [Benkeser.Anna@epa.gov]; Shah, Monisha

[Shah.Monisha@epa.gov]

CC: Widawsky, David [Widawsky.David@epa.gov]

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

My interpretation of the below was

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Katherine L. Christopher (she/her)

Attorney-Advisor
Civil Rights & Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency

Office: (202) 564-0339 Mobile: (612) 723-2295

Christopher.Katherine@epa.gov

From: Zavala, Julie <Zavala.Julie@epa.gov> Sent: Friday, January 31, 2025 12:21 PM

To: Christopher, Katherine < Christopher.Katherine@epa.gov>; Benkeser, Anna < Benkeser.Anna@epa.gov>; Shah,

Monisha <Shah. Monisha@epa.gov>

Cc: Widawsky, David < Widawsky. David@epa.gov>

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Thanks, Katherine. Is the highlighted part what we are supposed to take as guidance on oversight?

Julie Zavala

Deputy Director, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

Mobile: 202-817-0114

From: Christopher, Katherine < Christopher.Katherine@epa.gov>

Sent: Friday, January 31, 2025 12:12 PM

To: Benkeser, Anna <Benkeser.Anna@epa.gov>; Shah, Monisha <Shah.Monisha@epa.gov>; Zavala, Julie

<Zavala.Julie@epa.gov>

Cc: Widawsky, David < Widawsky. David@epa.gov>

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Hello all,

Please see the latest guidance on responses to grantees that I have received from my management, which I believe addresses some of the questions regarding actions around oversight:

Ex. 5 AC/DP

Please continue to raise questions to OGC as they come up, or feel free to reach out directly by Teams/phone.

Thank you,

Katherine L. Christopher (she/her)

Attorney-Advisor Civil Rights & Finance Law Office Office of General Counsel U.S. Environmental Protection Agency

Office: (202) 564-0339 Mobile: (612) 723-2295

Christopher.Katherine@epa.gov

From: Benkeser, Anna < Benkeser. Anna@epa.gov>

Sent: Friday, January 31, 2025 10:45 AM

To: Christopher, Katherine < Christopher.Katherine@epa.gov>; Shah, Monisha < Shah.Monisha@epa.gov>; Zavala, Julie < Zavala.Julie@epa.gov>

Cc: Widawsky, David < Widawsky. David@epa.gov>

Subject: Re: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Thank you, Katherine. I think I speak for all of us when I say we're extremely appreciative of all of your support here and completely understand; we're all in the same boat.

Anna Benkeser

Chief of Staff, Office of the Greenhouse Gas Reduction Fund U.S. Environmental Protection Agency 240-935-2907

From: Christopher, Katherine < Christopher.Katherine@epa.gov >

Sent: Friday, January 31, 2025 9:52 AM

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Cc: Widawsky, David < Widawsky. David@epa.gov >; Benkeser, Anna < Benkeser. Anna@epa.gov >

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Thank you all for these questions. I am sorry for my delay in responding directly to you,

Ex. 5 AC/DP

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Best,

Katherine L. Christopher (she/her)

Attorney-Advisor Civil Rights & Finance Law Office Office of General Counsel

U.S. Environmental Protection Agency

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Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

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Subject: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Katherine.

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- Timeline and Milestones
- Quality Assurance
- Reporting
- Planning Period Progress
- Details in their workplans on meaningful benefits, e.g., household savings, solar access, workforce development, etc.
- Financial Assistance Strategy
- Project Deployment Technical Assistance, e.g., Workforce development, Resilient Assets/Project Siting and Permitting
- Solar Access and Meaningful Involvement Plan, e.g., Communities served, education and outreach

Thank you,

Julie

Julie Zavala

Deputy Director, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

Mobile: 202-817-0114

From: Carpenter, Wesley < Carpenter. Wesley@epa.gov >

Sent: Wednesday, January 29, 2025 9:35 AM

To: AO Staff Office Directors and AA's <AO Staff Office Directors and AAs@epa.gov>; Breaux, Dawn

<Breaux.Dawn@epa.gov>; Harvey, Luby <Harvey.Luby@epa.gov>; Quarles, Michael <Quarles.Michael@epa.gov>;

Adams, Anthony < Adams. Anthony@epa.gov>

Cc: Carter-Jenkins, Shakeba < <u>Carter-Jenkins.Shakeba@epa.gov</u>> **Subject:** FW: Communication Sent to IIJA and IRA Recipients

FYI.

From: Wise, Melissa < wise.melissa@epa.gov > Sent: Wednesday, January 29, 2025 7:51 AM

To: OCFO-SROs < OCFO SROs@epa.gov >; OMS-OGD-Grants JROs < OMS-OGD-Grants-JROs@epa.gov > Cc: Sylvester, Kenneth < Sylvester. Kenneth@epa.gov >; Coogan, Daniel < Coogan.Daniel@epa.gov >

Subject: FW: Communication Sent to IIJA and IRA Recipients

Good morning, SROs and JROs,

Sharing for your awareness.

Thank you, Melissa

From: Wise, Melissa

Sent: Tuesday, January 28, 2025 5:16 PM

To: Brown, Devon < Brown. Devon@epa.gov >; Burch, Alfred < Burch. Alfred@epa.gov >; Dolan, Sheila <dolan.sheila@epa.gov>; Fields, Robert <Fields.Robert@epa.gov>; Guerry, Jacqueline B <Guerry.Jacqueline@epa.gov>; Hulstein, Sarah <hulstein.sarah@epa.gov>; Jewhurst, Sheri <Jewhurst.Sheri@epa.gov>; Johnson, Charlene <Johnson.Charlene@epa.gov>; Johnson, Peggy D. <johnson.peggyd@epa.gov>; Jordan, Ronza <jordan.ronza@epa.gov>; Lentz, Rachel <Lentz.Rachel@epa.gov>; Manion, Andrea <Manion.Andrea.L@epa.gov>; Mendiola, Angela <Mendiola.Angela@epa.gov>; O'Neal Jr., Rudnell R. <ONeal.Rudnell@epa.gov>; Puglisi, Peter <puglisi.peter@epa.gov>; Rawls, Whitney <rawls.whitney@epa.gov>; Rose, Kenneth (he/him/his) <Rose.Kenneth@epa.gov>; Schindel, Phillip <Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel <Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>; Tocci, Brian F. Tocci, Brian@epa.gov; Truong, Carolyn Truong.Carolyn@epa.gov; Tsing-Choy, Kathy Tsing-Choy, Kathy Tocci.Brian@epa.gov; Tsing-Choy, Kathy Tocci.Brian@epa.gov; Truong. Choy.Kathy@epa.gov>; Watkins, Christopher < Watkins.Christopher@epa.gov>; Burger, Riley < burger.riley@epa.gov>; Chung, Angela (she/her/hers) < Chung. Angela@epa.gov >; Drake, Kerry (he/him/his) < Drake. Kerry@epa.gov >; Eubanks, Kristy < Eubanks. Kristy@epa.gov >; Johnson, Arthur < Johnson. Arthur@epa.gov >; Krehbiel, Ben < Krehbiel. Ben@epa.gov >; McCluney, Lance (he/him/his) < McCluney.Lance@epa.gov>; Pace, Donald < Pace.Donald@epa.gov>; Sanders, Amy <<u>Sanders.Amy@epa.gov</u>>; Sincock, Jennifer <<u>Sincock.Jennifer@epa.gov</u>>; Stanton, MaryA <<u>Stanton.Marya@epa.gov</u>>; White, Lisa < WHITE.LISA@EPA.GOV >; Alford, Cecilia < alford.cecilia@epa.gov >; Clements, Mindy (she/her/hers) <clements.mindy@epa.gov>; Fox, Marshelle <fox.marshelle@epa.gov>; Hurley, Kevin <Hurley.Kevin@epa.gov>; Regan, Mickey <Regan.Mickey@epa.gov>; Scholten, Karly <Scholten.Karly@epa.gov>; Schuman, Kevin (he/him/his) schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa< <Smith.Melissa@epa.gov>; Stone, Patrick <Stone.Patrick@epa.gov>; Timander, Linda (she/her/hers) <Timander.Linda@epa.gov>; Weeks, Frederick <Weeks.Fred@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>;

Sylvester, Kenneth < Sylvester. Kenneth@epa.gov>; Durand, Jessica < Durand. Jessica@epa.gov>; Holliday, Kysha

(she/her/hers) < Holliday. Kysha@epa.gov>

Cc: Hublar, Jennifer < Hublar. Jennifer@epa.gov>; Whittaker, Sandy < whittaker.sandy@epa.gov>

Subject: Communication Sent to IIJA and IRA Recipients

Good evening, GMOs, MSDDs, and Deputy MSDDs,

Consistent with OCFO Guidance, OGD has sent the attached email communication to all IIJA and IRA grantees agency wide through our info box. I will continue to share any new information and communication as it becomes available.

Thank you, Melissa

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To: Brown, Devon <Brown.Devon@epa.gov>; Burch, Alfred <Burch.Alfred@epa.gov>; Dolan, Sheila <dolan.sheila@epa.gov>; Fields, Robert <Fields.Robert@epa.gov>; Guerry, Jacqueline B <Guerry, Jacqueline@epa.gov>; Hulstein, Sarah <hulstein.sarah@epa.gov>; Jewhurst, Sheri <Jewhurst.Sheri@epa.gov>; Johnson, Charlene <<u>Johnson.Charlene@epa.gov</u>>; Johnson, Peggy D. <<u>johnson.peggyd@epa.gov</u>>; Jordan, Ronza <<u>jordan.ronza@epa.gov</u>>; Lentz, Rachel <Lentz.Rachel@epa.gov>; Manion, Andrea <Manion.Andrea.L@epa.gov>; Mendiola, Angela <Mendiola.Angela@epa.gov>; O'Neal Jr., Rudnell R. <ONeal.Rudnell@epa.gov>; Puglisi, Peter <puglisi.peter@epa.gov>; Rawls, Whitney <rawls.whitney@epa.gov>; Rose, Kenneth (he/him/his) <Rose.Kenneth@epa.gov>; Schindel, Phillip <Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel <Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>; Tocci, Brian F. <Tocci.Brian@epa.gov>; Truong, Carolyn <Truong.Carolyn@epa.gov>; Tsing-Choy, Kathy <Tsing-Choy. Kathy@epa.gov>; Watkins, Christopher < Watkins. Christopher@epa.gov>; Burger, Riley < burger.riley@epa.gov>; Chung, Angela (she/her/hers) < Chung. Angela@epa.gov>; Drake, Kerry (he/him/his) < Drake. Kerry@epa.gov>; Eubanks, Kristy < Eubanks. Kristy@epa.gov >; Johnson, Arthur < Johnson. Arthur@epa.gov >; Krehbiel, Ben < Krehbiel. Ben@epa.gov >; McCluney, Lance (he/him/his) < McCluney, Lance@epa.gov>; Pace, Donald < Pace. Donald@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Sincock, Jennifer <Sincock.Jennifer@epa.gov>; Stanton, MaryA <Stanton.Marya@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Alford, Cecilia <alford.cecilia@epa.gov>; Clements, Mindy (she/her/hers) <clements.mindy@epa.gov>; Fox, Marshelle <fox.marshelle@epa.gov>; Hurley, Kevin <Hurley.Kevin@epa.gov>; Regan, Mickey <Regan.Mickey@epa.gov>; Scholten, Karly <Scholten.Karly@epa.gov>; Schuman, Kevin (he/him/his) <schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa <Smith.Melissa@epa.gov>; Stone, Patrick <Stone.Patrick@epa.gov>; Timander, Linda (she/her/hers) <Timander.Linda@epa.gov>; Weeks, Frederick < Weeks.Fred@epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>; Sylvester, Kenneth < Sylvester. Kenneth@epa.gov>; Durand, Jessica < Durand. Jessica@epa.gov>; Holliday, Kysha (she/her/hers) < Holliday. Kysha@epa.gov>

Cc: Hublar, Jennifer < Hublar. Jennifer@epa.gov >; Whittaker, Sandy < whittaker.sandy@epa.gov >

Subject: Guidance from OCFO

Good morning, GMOs, MSDDs, and Deputy MSDDs,

I am sharing the OCFO Guidance on implementing the IIJA and IRA pause which was signed yesterday evening. I will continue to share any new information as it becomes available.

Thank you,

Director, Office of Grants and Debarment Office of Mission Support U.S. Environmental Protection Agency 1300 Pennsylvania Ave., NW Washington, D.C. 20460

(202) 924-9911

Melissa Wise

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.



2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 66 of 101

Message

From: Shah, Monisha [Shah.Monisha@epa.gov]

Sent: 1/31/2025 6:07:56 PM

To: Christopher, Katherine [Christopher.Katherine@epa.gov]; Widawsky, David [Widawsky, David@epa.gov]; Zavala,

Julie [Zavala.Julie@epa.gov]; Benkeser, Anna [Benkeser.Anna@epa.gov]

CC: Humes, Hamilton [Humes.Hamilton@epa.gov]

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Thanks, Katherine!

As previously referenced, our questions are:

Ex. 5 AC/DP

We also posed these questions to Dan Coogan and Melissa Wise.

Thanks, Monisha

From: Christopher, Katherine < Christopher. Katherine@epa.gov>

Sent: Friday, January 31, 2025 12:52 PM

To: Widawsky, David < Widawsky. David@epa.gov>; Zavala, Julie < Zavala. Julie@epa.gov>; Benkeser, Anna

<Benkeser.Anna@epa.gov>; Shah, Monisha <Shah.Monisha@epa.gov>

Cc: Humes, Hamilton < Humes. Hamilton@epa.gov>

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Hi David,

This is received. I am taking this back, along with Julie's follow-up question, to see if I am able to get additional clarity on this.

I will follow-up as soon as possible.

Best,

Katherine L. Christopher (she/her)

Attorney-Advisor
Civil Rights & Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency

Office: (202) 564-0339 Mobile: (612) 723-2295

Christopher.Katherine@epa.gov

From: Widawsky, David < Widawsky. David@epa.gov>

Sent: Friday, January 31, 2025 12:31 PM

To: Zavala, Julie < Zavala. Julie@epa.gov >; Christopher, Katherine < Christopher. Katherine@epa.gov >; Benkeser, Anna

<Benkeser.Anna@epa.gov>; Shah, Monisha <Shah.Monisha@epa.gov>

Cc: Humes, Hamilton < Humes. Hamilton@epa.gov>

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Hi Katherine – echoing Anna's earlier note, we're grateful for everything you've been doing to try to get us guidance, including trying to answer – as best you can – our many questions.

Ex. 5 AC/DP



David Widawsky, Ph.D.

Director, Office of the Greenhouse Gas Reduction Fund US Environmental Protection Agency

www.epa.gov/greenhouse-gas-reduction-fund

Phone: +1 202-566-2215 Mobile: +1 202-731-6718

Email: widawsky.david@epa.gov

1200 Pennsylvania Avenue, N.W.

Washington, DC 20460

From: Zavala, Julie < Zavala.Julie@epa.gov > Sent: Friday, January 31, 2025 12:21 PM

To: Christopher, Katherine < Christopher.Katherine@epa.gov>; Benkeser, Anna < Benkeser.Anna@epa.gov>; Shah,

Monisha <Shah. Monisha@epa.gov>

Cc: Widawsky, David < Widawsky. David@epa.gov>

Subject: RE: SFA Questions re: Communication Sent to IIJA and IRA Recipients

Thanks, Katherine. Is the highlighted part what we are supposed to take as guidance on oversight?

Julie Zavala

Deputy Director, Office of the Greenhouse Gas Reduction Fund

U.S. Environmental Protection Agency

Mobile: 202-817-0114

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2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 69 of 101

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Cc: Carter-Jenkins, Shakeba < <u>Carter-Jenkins.Shakeba@epa.gov</u>> **Subject:** FW: Communication Sent to IIJA and IRA Recipients

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<schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa

<<u>Smith.Melissa@epa.gov</u>>; Stone, Patrick <<u>Stone.Patrick@epa.gov</u>>; Timander, Linda (she/her/hers)

<Timander.Linda@epa.gov>; Weeks, Frederick < Weeks.Fred@epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>;

Sylvester, Kenneth <<u>Sylvester.Kenneth@epa.gov</u>>; Durand, Jessica <<u>Durand.Jessica@epa.gov</u>>; Holliday, Kysha (she/her/hers) <Holliday.Kysha@epa.gov>

Cc: Hublar, Jennifer < Hublar. Jennifer@epa.gov >; Whittaker, Sandy < whittaker.sandy@epa.gov >

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Thank you, Melissa

From: Wise, Melissa

Sent: Tuesday, January 28, 2025 7:38 AM

To: Brown, Devon <Brown.Devon@epa.gov>; Burch, Alfred <Burch.Alfred@epa.gov>; Dolan, Sheila <dolan.sheila@epa.gov>; Fields, Robert <Fields.Robert@epa.gov>; Guerry, Jacqueline B <Guerry.Jacqueline@epa.gov>; Hulstein, Sarah <hulstein.sarah@epa.gov>; Jewhurst, Sheri <Jewhurst.Sheri@epa.gov>; Johnson, Charlene <Johnson.Charlene@epa.gov>; Johnson, Peggy D. <johnson.peggyd@epa.gov>; Jordan, Ronza <jordan.ronza@epa.gov>; Lentz, Rachel <Lentz.Rachel@epa.gov>; Manion, Andrea <Manion.Andrea.L@epa.gov>; Mendiola, Angela <Mendiola.Angela@epa.gov>; O'Neal Jr., Rudnell R. <ONeal.Rudnell@epa.gov>; Puglisi, Peter <puglisi.peter@epa.gov>; Rawls, Whitney <rawls.whitney@epa.gov>; Rose, Kenneth (he/him/his) <Rose.Kenneth@epa.gov>; Schindel, Phillip <Schindel.Phillip@epa.gov>; Seeger, Lindsay <seeger.lindsay@epa.gov>; Shelmon, Shantel <Shelmon.Shantel@epa.gov>; Sherwood, Kelly <Sherwood.Kelly@epa.gov>; Sykes, Karen <Sykes.Karen@epa.gov>; Tocci, Brian F. < Tocci. Brian@epa.gov>; Truong, Carolyn < Truong. Carolyn@epa.gov>; Tsing-Choy, Kathy < Tsing-Choy. Kathy@epa.gov>; Watkins, Christopher < Watkins. Christopher@epa.gov>; Burger, Riley < burger.riley@epa.gov>; Chung, Angela (she/her/hers) < Chung. Angela@epa.gov>; Drake, Kerry (he/him/his) < Drake. Kerry@epa.gov>; Eubanks, Kristy < Eubanks. Kristy@epa.gov >; Johnson, Arthur < Johnson. Arthur@epa.gov >; Krehbiel, Ben < Krehbiel. Ben@epa.gov >; McCluney, Lance (he/him/his) < McCluney.Lance@epa.gov>; Pace, Donald < Pace.Donald@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Sincock, Jennifer <Sincock.Jennifer@epa.gov>; Stanton, MaryA <Stanton.Marya@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Alford, Cecilia <alford.cecilia@epa.gov>; Clements, Mindy (she/her/hers) <clements.mindy@epa.gov>; Fox, Marshelle <fox.marshelle@epa.gov>; Hurley, Kevin <Hurley.Kevin@epa.gov>; Regan, Mickey < Regan. Mickey@epa.gov>; Scholten, Karly < Scholten. Karly@epa.gov>; Schuman, Kevin (he/him/his) <schuman.kevin@epa.gov>; Singletary, Antoinette <Singletary.Antoinette@epa.gov>; Smith, Melissa <Smith.Melissa@epa.gov>; Stone, Patrick <Stone.Patrick@epa.gov>; Timander, Linda (she/her/hers) <Timander.Linda@epa.gov>; Weeks, Frederick < Weeks.Fred@epa.gov>; Coogan, Daniel < Coogan.Daniel@epa.gov>; Sylvester, Kenneth < Sylvester. Kenneth@epa.gov>; Durand, Jessica < Durand. Jessica@epa.gov>; Holliday, Kysha (she/her/hers) < Holliday. Kysha@epa.gov>

Cc: Hublar, Jennifer < Hublar, Jennifer@epa.gov>; Whittaker, Sandy < whittaker.sandy@epa.gov>

Subject: Guidance from OCFO

Good morning, GMOs, MSDDs, and Deputy MSDDs,

I am sharing the OCFO Guidance on implementing the IIJA and IRA pause which was signed yesterday evening. I will continue to share any new information as it becomes available.

Thank you,

Melissa Wise

Director, Office of Grants and Debarment

Office of Mission Support U.S. Environmental Protection Agency 1300 Pennsylvania Ave., NW Washington, D.C. 20460 (202) 924-9911

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.



2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 73 of 101

Message

From: Russell, Maishia [Russell.Maishia@epa.gov]

Sent: 2/4/2025 9:16:24 PM

To: Donahue, Sean [donahue.sean@epa.gov] CC: Conrad, Daniel [conrad.daniel@epa.gov]

Subject: Evening Binder 2/4/2025

Attachments: 2025.02.05 at 2p - OAR Leadership Briefing-GNP Overview.pdf; 2025.02.03_1400_NAAQS Briefing-PM-Ozone-

NOxSOxPM secondary v3.pptx; CA waiver overview briefing, Feb 5, 2025, Final.docx; Yakima - for senior leadership briefing - 2-5-25.docx; Flint Renewed MTD for DFE Decision Summary.pdf; CRFLO Briefing Paper FY24 MD 715 2025.02.04.pdf; 2025.02. 05 CRFLO Bi-Weekly Front Office Meeting Agenda.pdf; UCR technical review appeal -Briefing paper - 2-4-25.pdf; UCR Final Signed Settlement_Agreement - 6-2-2006.pdf; Transition - Litigation - AFFF Litigation.pdf; SWERLO Weekly Meeting Agenda (7).pdf; Deadlines (4).pdf; SWERLO Weekly Meeting Agenda

(REVISED) (2).pdf

Hi Sean,

Please see attached evening binder items.

Maishia Russell

U.S. Environmental Protection Agency Office of General Counsel 1200 Pennsylvania Avenue, N.W. Building: WJC-N 4000 Washington, D.C. 20460

(202) 845-5507

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 74 of 101

Message

From: Hanson, Paige (Catherine) [hanson.catherine@epa.gov]

Sent: 2/5/2025 12:34:32 PM

To: Voyles, Travis [voyles.travis@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]

Subject: Re: Question on ESB/EJ grant programs

Thanks for the heads up.

Get Outlook for iOS

From: Voyles, Travis <voyles.travis@epa.gov> **Sent:** Wednesday, February 5, 2025 7:27:56 AM

To: Donahue, Sean <donahue.sean@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>

Subject: RE: Question on ESB/EJ grant programs

Just flagging the below was in Morning Energy. I had some on the Hill call me last night asking if the memo was real. I confirmed to them it was and that the "list" was the start of the phased "unfreezing" but that it just took time to readjust the funding accounts so that was why it would happen over a few days. Senate Rs were happy the IIJA/BIL buckets were the priority and I told Senate EPW Rs more to potentially come on IRA buckets.

EPA UNFREEZES SOME ENVIRO FUNDING: The EPA directed agency officials to allow the disbursement of funds from at least some programs under the bipartisan infrastructure law and Inflation Reduction Act that had been paused since Jan. 20, according to an internal memo viewed by POLITICO. The memo cites a ruling by a federal judge on Monday that <u>barred agencies from enforcing any remaining elements</u> of the Trump administration's spending freeze, <u>our James Bikales and Zack Colman scooped</u>.

The memo states that EPA's Office of Budget will follow up with a detailed list of the programs that should now receive disbursements, but one person who works with states on climate issues said most of money will go to programs in the bipartisan infrastructure law. That includes funding for restoring estuaries, revolving funds for states to improve drinking water, remediating brownfield sites and combating contaminants like PFAS "forever chemicals." That list included one Inflation Reduction Act program on consumer education.

Travis Voyles C: (202) 787-0595

From: Donahue, Sean <donahue.sean@epa.gov>

Sent: Tuesday, February 4, 2025 9:46 AM

To: Vaseliou, Molly <Vaseliou.Molly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Voyles, Travis <voyles.travis@epa.gov>

Cc: Weiner, Ben <Weiner.Ben@epa.gov>; Mandy, Cora <Mandy.Cora@epa.gov>; Gall, Daniel <Gall.Daniel@epa.gov>

Subject: RE: Question on ESB/EJ grant programs

I will stop by.

Sean Donahue
Acting General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: (202) 564-7153

E: Donahue.Sean@epa.gov

From: Vaseliou, Molly <Vaseliou.Molly@epa.gov>

Sent: Tuesday, February 4, 2025 9:45 AM

To: Donahue, Sean < donahue.sean@epa.gov >; Hanson, Paige (Catherine) < hanson.catherine@epa.gov >; Voyles, Travis < voyles.travis@epa.gov >

Cc: Weiner, Ben < Weiner.Ben@epa.gov >; Mandy, Cora < Mandy.Cora@epa.gov >; Gall, Daniel < Gall.Daniel@epa.gov >

Subject: RE: Question on ESB/EJ grant programs

Want me to come to you? Or just give you a ring?

Molly Vaseliou

Associate Administrator for Public Affairs Environmental Protection Agency

From: Donahue, Sean < donahue.sean@epa.gov>

Sent: Tuesday, February 4, 2025 9:44 AM

To: Vaseliou, Molly < <u>Vaseliou.Molly@epa.gov</u>>; Hanson, Paige (Catherine) < <u>hanson.catherine@epa.gov</u>>; Voyles, Travis < voyles.travis@epa.gov>

Cc: Weiner, Ben < Weiner.Ben@epa.gov>; Mandy, Cora < Mandy.Cora@epa.gov>; Gall, Daniel < Gall.Daniel@epa.gov>

Subject: RE: Question on ESB/EJ grant programs

Yes, I am free now if that works.

Sean Donahue
Acting General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

T: (202) 564-7153

E: Donahue.Sean@epa.gov

From: Vaseliou, Molly <Vaseliou.Molly@epa.gov>

Sent: Tuesday, February 4, 2025 9:43 AM

To: Hanson, Paige (Catherine) < hanson.catherine@epa.gov>; Donahue, Sean < donahue.sean@epa.gov>; Voyles, Travis

<voyles.travis@epa.gov>

Cc: Weiner, Ben < Weiner.Ben@epa.gov>; Mandy, Cora < Mandy.Cora@epa.gov>; Gall, Daniel < Gall.Daniel@epa.gov>

Subject: FW: Question on ESB/EJ grant programs

Can we chat about this when there's time?

From: Thomas Catenacci <catenacci@freebeacon.com>

Sent: Tuesday, February 4, 2025 9:39 AM

To: Vaseliou, Molly <Vaseliou.Molly@epa.gov>; Mandy, Cora <Mandy.Cora@epa.gov>; Gall, Daniel

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 76 of 101

<<u>Gall.Daniel@epa.gov</u>>; Weiner, Ben <<u>Weiner.Ben@epa.gov</u>>

Subject: Question on ESB/EJ grant programs



Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Molly, hope you had a great weekend!

Reaching out to ask about some questionable grants the EPA awarded during the Biden administration and that we reported on, in light of the concerns Administrator Zeldin has expressed regarding EPA's haphazard spending during the previous administration.

The first is the \$5 billion Clean School Bus program. In addition to falling far behind schedule and being subject to a negative IG report, the EPA awarded a grant under the program to BYD Americas, the subsidiary of Chinese EV manufacturer BYD Company. The grant appears to violate the 2020 NDAA, which prohibits federal funding from being used to procure buses manufactured by a company that "is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in" China. <a href="https://freebeacon.com/elections/kamala-harriss-electric-school-bus-program-granted-395k-to-a-chinese-manufacturer-then-its-top-executive-sent-biden-harris-scores-of-campaign-cash/https://freebeacon.com/biden-administration/kamala-harris-touted-a-5b-electric-school-bus-program-three-years-later-its-produced-just-60-buses/

The second is the EPA's environmental justice programs. We conducted an investigation that found the Biden EPA awarded hundreds of millions of dollars to NGOs whose leaders served on the WH Environmental Justice Advisory Council, which was housed at EPA. The arrangement presents a potential conflict of interest. https://freebeacon.com/energy/biden-harris-admin-dishes-out-400m-in-epa-grants-to-its-own-environmental-justice-advisers/

Apologies for the long email, but let me know if there is anything you can offer on these grants—if they are being investigated, rescinded, or kept in place.

Thank you!

Thomas Catenacci

Reporter | Washington Free Beacon

e: catenacci@freebeacon.com

c: 203-517-5730

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 77 of 101

Message

From: Barja, Jaide [Barja.Jaide@epa.gov]

Sent: 2/5/2025 4:18:11 PM

To: Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]; Voyles, Travis

[voyles.travis@epa.gov]

Subject: EPW Minority Members Letter to Administrator re: Grant Pause

Attachments: 2024-02-04 EPA-Whitehouse (Grant Funds) DRAFT.docx; EPW Dems Letter to AZ re Grant Pause.pdf

Attached is the original incoming letter from EPW Democrats to the Administrator. Aside from the questions they listed, the letter also includes some narrative that we might want to address (e.g., quoting the Administrator's testimony) but don't need to. Using the guidance that OCFO sent out yesterday, OCIR's general counsel put together this draft response. Please let me know if you have any concerns, edits, etc.

Jaide

KEVIN CRAMER, NORTH DAKOTA CYNTHIA M. LUMMIS, WYOMING JOHN R. CURTIS, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
DAN SULLIVAN, ALASKA
PETE RICKETTS, NEBRASKA ROGER F. WICKER, MISSISSIPPI JOHN BOOZMAN, ARKANSAS JON HUSTED, OHIO

BERNARD SANDERS, VERMONT JEFF MERKLEY, OREGON EDWARD J. MARKEY, MASSACHUSETTS MARK KELLY, ARIZONA ALEX PADILLA, CALIFORNIA ADAM B. SCHIFF, CALIFORNIA LISA BLUNT ROCHESTER, DELAWARE ANGELA D. ALSOBROOKS, MARYLAND

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS WASHINGTON, DC 20510-6175

Adam Tomlinson, Republican Staff Director Dan Dudis, Democratic Staff Director

January 31, 2025

The Honorable Lee M. Zeldin Administrator **Environmental Protection Agency** 1200 Pennsylvania Avenue NW Washington, DC 20460

Dear Administrator Zeldin:

We write concerning troubling reports that the Environmental Protection Agency (EPA) is attempting to claw back funds that have already been obligated to grant recipients. We believe that this is contrary to federal law.

On January 30, 2025, *Politico's E&E News* reported that the EPA had sent letters two days prior to recipients of funding through the Solar for All program informing them that their grants had been paused until further notice. EPA's letter went on to explain that it was pausing "all funding actions related to" climate and infrastructure laws enacted during the Biden Administration, citing President Donald J. Trump's "Unleashing American Energy" Executive Order. Many of us have also been contacted by grantees in our states reporting that they no longer have access to the grant money that has been obligated to them.

During your confirmation before the Senate Environment and Public Works Committee, you were asked:

"Several statutes give effect to Congress's constitutional power of the purse, reflecting its responsibility to provide appropriations to federal agencies, and its prerogative to place limitations on the availability of those appropriations, specifically, their availability as to purpose, amount, and time. Among these, the Antideficiency Act prohibits agencies from spending in advance, or in excess, of an appropriation. There is also a statutory framework for the execution – that is, the obligation and expenditure – of appropriations, as well as procedures for use when the President or executive branch disagrees with the policy embodied in an appropriation and therefore does not wish to obligate available funds. Do you believe that the president or executive branch can ignore congressional appropriation decisions and instructions?"

You responded: "If confirmed, I pledge to respect all of Congress's duly enacted statutes."

You were further asked:

¹ Jean Chemnick, "EPA cuts off IRA solar money that's under contract," *PoliticoPro EnergyWire* (Jan. 30, 2025), https://subscriber.politicopro.com/article/eenews/2025/01/30/epa-cuts-off-ira-solar-money-thats-under-contract-ew-00201321.

Do you pledge to respect congressional appropriation decisions and instructions and resist any efforts within the executive branch to circumvent them?

You responded: "Particularly as a former Member of Congress, I appreciate and respect the Congressional funding process. I commit to fully following the law."

Federal law and regulations require that obligated funds be provided to grantees absent proof of misuse of funds.² We further note that the Solar for All program furthers several goals, all of which are part of EPA's core mission, which you support. It is designed to help reduce carbon pollution, air pollutants, and household energy costs by financing community and rooftop solar in low-income communities. It will further help drive American manufacturing, boosting the economy and creating jobs. Even President Trump's Department of Energy continues to acknowledge that "[i]nvesting in energy innovations creates well-paying jobs, drives economic growth, and makes our industries more competitive," and that the "growing global market for renewable energy technologies and innovations is projected to be worth at least \$23 trillion by 2030."3

Accordingly, in order to assist in our understanding of EPA's actions, please respond to the following questions:

- 1. On what legal grounds did EPA pause already-obligated grants to grantees under the Solar for All program? Please cite to specific statutory or regulatory authority. We note that any executive orders do not qualify as such statutory or regulatory authority, as they are neither statutes nor regulations, and all potentially relevant executive orders clearly state in any case that they "shall be implemented consistent with applicable law," thereby clearly acknowledging that they cannot supersede or contravene statutory authority.
- 2. When do you intend to lift the pause on the already-obligated funding under this program?
- 3. As many of our offices have also received reports of other EPA grant programs that seem to have been "paused" or where obligated funds may have been cut off, please provide us a list of all EPA grant and other programs that are currently paused. Please further note whether this pause applies only to future grant-making, to postaward but pre-obligation grants, and/or to already obligated grants.
- 4. For each of these programs, when do you intend to lift the pause(s)?

We are cognizant that EPA's initial decision to pause funding appears to have been taken before you had been confirmed as EPA Administrator. Perhaps you intend to reverse this pause immediately in accordance with applicable law. If not, however, please provide your detailed responses as soon as possible.

² See, 31 U.S.C. § 1501; 2 C.F.R. 200.305(b)(6) ("Payments for allowable costs must not be withheld at any time during the period of performance.").

³ U.S. Department of Energy, Job Creation and Economic Growth (accessed Jan. 30, 2025), https://www.energy.gov/eere/job-creation-and-economic-growth.

Sincerely,

United States Senator Ranking Member

Committee on Environment

and Public Works

Edward J. Markey

United States Senator

Mark Kelly

United States Senator

Adam B. Schiff

United States Senator

Jeffrey A. Merkley

United States Senator

Lisa Blunt Rochester United States Senator

Bernard Sanders

United States Senator

Alex Padilla

United States Senator

Angela Alsobrooks

United States Senator

cc: Sen. Shelley Moore Capito

Chairman, Senate Committee on Environment and Public Works

Page 81 of 101

Message

From: Mandy, Cora [Mandy.Cora@epa.gov]

Sent: 2/5/2025 4:42:17 PM

To: Voyles, Travis [voyles.travis@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]; Hanson, Paige (Catherine)

[hanson.catherine@epa.gov]

CC: Vaseliou, Molly [Vaseliou.Molly@epa.gov]; Gall, Daniel [Gall.Daniel@epa.gov]; Weiner, Ben [Weiner.Ben@epa.gov]

Subject: RE: Question on EPA funding freeze

Can we chat about this when you have a moment? Let me know and I will give you a call.

Best,

From: Gall, Daniel <Gall.Daniel@epa.gov>
Sent: Wednesday, February 5, 2025 11:26 AM
To: Mandy, Cora <Mandy.Cora@epa.gov>
Subject: FW: Following up on EPA funding freeze

From: Vaseliou, Molly < Vaseliou.Molly@epa.gov > Sent: Wednesday, February 5, 2025 11:09 AM

To: Zack Colman < zcolman@politico.com >; Gall, Daniel < Gall.Daniel@epa.gov >

Cc: James Bikales < jbikales@politico.com > **Subject:** RE: Following up on EPA funding freeze

Adding Press@epa.gov

Molly Vaseliou

Associate Administrator for Public Affairs Environmental Protection Agency

From: Zack Colman < zcolman@politico.com Sent: Wednesday, February 5, 2025 11:02 AM

To: Vaseliou, Molly < Vaseliou. Molly@epa.gov >; Gall, Daniel < Gall. Daniel@epa.gov >

Cc: James Bikales < jbikales@politico.com > **Subject:** Following up on EPA funding freeze

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Molly and Daniel,

CC'ing my colleague, James Bikales, on this. Perhaps you saw the story we ran on unfreezing funding from <u>some</u> <u>environmental programs</u>.

The list of programs we are asking about (below) do not appear to include all Inflation Reduction Act and Infrastructure Investment and Jobs Act programs and tax incentives that the Trump administration is under court order to unfreeze.

Programs at EPA that are not included on the unfrozen list include grants for Clean School Buses, Solar For All and Climate Pollution Reduction Grants.

- 1. Can you confirm that those three programs remain paused and explain why they are, given that appears to be in violation of court orders?
- 2. Can you confirm the following Infrastructure Investment and Jobs Act programs are now unfrozen:
- Addressing Emerging Contaminants Grants
- Battery Recycling Best Practices
- Brownfields
- Chesapeake Bay
- Clean Water State Revolving Loan Funds
- Clean Water State Revolving Loan Funds (Emerging Contaminants)
- Columbia River Basin
- Drinking Water Programs Class VI Wells
- Drinking Water Programs State Revolving Loan Funds
- Drinking Water Programs State Revolving Loan Funds (Emerging Contaminants)
- Drinking Water Programs State Revolving Loan Funds (Lead Service Line Replacement)
- Great Lakes Restoration Initiative
- Gulf Hypoxia Action Plan
- Gulf of Mexico (America)
- Lake Champlain
- Lake Pontchartrain
- Long Island Sound
- National Estuary Program Grants
- Pacific Northwest
- Pollution Prevention Grants
- Puget Sound
- Recycling Grants
- San Francisco Bay
- Solid Waste Infrastructure Financing (Save Our Seas Act Grants)
- South Florida
- Southern New England Estuaries
- Superfund Remedial
- UIC Grants
- Voluntary Battery Labeling Guidelines

And from the Inflation Reduction Act:

- Consumer Education (OAR)

Thank you,

-Zack

Zack Colman

POLITICO

Climate & energy reporter

(248) 563-9744



THE CHIEF FINANCIAL OFFICER

WASHINGTON, D.C. 20460

February 4, 2025

MEMORANDUM

SUBJECT: Update on Inflation Reduction Act and Infrastructure Investment and Jobs Act Pause

FROM: Gregg Treml, Chief Financial Officer (Acting)

GREGG TREML Digitally signed by GREGG TREML Date: 2025.02.04 12:53:31 -05'00'

TO: Deputy Assistant Administrators

Deputy Associate Administrators Deputy Regional Administrators

Distribute as appropriate to those needed to carry out this direction.

This message provides an update pursuant to the recent <u>Court directive</u> addressing financial assistance. The Court directs that federal financial assistance shall not be paused based on the Office of Management and Budget's direction in the rescinded OMB memorandum or the President's Executive Orders, while ongoing litigation proceeds or until otherwise directed by a Court.

Consistent with the Order, the agency's financial system will now enable the obligation of financial assistance. This includes programs within the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, including federal financial assistance in the State and Tribal Assistance Grants, Brownfields, and Superfund. The Office of Budget will follow-up with a detailed list. Additionally, the disbursement of funds connected to this notice will continue.

OCFO, working closely with the Office of General Counsel and Office of Mission Support, will continue to keep the community updated on this matter.

cc: Lek Kadeli
Meshell Jones-Peeler
Paige Hanson
OCFO Senior Managers
Vonda Jennette
Greg Luebbering
Senior Resource Officials
Senior Budget Officers

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 84 of 101

Regional Comptrollers Funds Control Officers This document is produced in native format.

Original file name:

List of Sections.xlsx

Message

From: Simon, Nigel [Simon.Nigel@epa.gov]

Sent: 2/4/2025 7:03:23 PM

To: OLEM OD Deputies [OLEMODDeputies@epa.gov]; Wilbur, Jennifer [Wilbur, Jennifer@epa.gov]; Fonseca, Silvina

[Fonseca.Silvina@epa.gov]; Hill, Eric [Hill.Eric@epa.gov]; OLEM OPM Everyone [OLEMOPMEveryone@epa.gov]

Subject: FYSA: Update on Inflation Reduction Act and Infrastructure Investment and Jobs Act Pause

Attachments: Update on IIJA and IRA Pause FINAL 2-4-2025.pdf

No change to current status: OCFO, working closely with the Office of General Counsel and Office of Mission Support, will continue to keep the community updated on this matter.

From: Treml, Gregg < Treml.Gregg@epa.gov > Sent: Tuesday, February 4, 2025 1:18 PM

To: Leadership_Deputy_Assistant_Administrators < Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Associate_Administrators < Leadership_Deputy_Associate_Administrators@epa.gov>;

Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Career Senior

Advisors for Management < Career Senior Advisors for Management@epa.gov>

Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>; Hanson, Paige

(Catherine) , OCFO-SROs < OCFO_SROs@epa.gov; OCFO-SR-MGRS_SG

<OCFOSRMGRS SG@epa.gov>; Jennette, Vonda <Jennette.Vonda@epa.gov>; Luebbering, Gregory

<<u>luebbering.gregory@epa.gov</u>>; OCFO-SBO <<u>OCFOSBO@epa.gov</u>>; OCFO-Regional-Comptroller

<<u>OCFORegionalComptroller@epa.gov</u>>; OCFO-FCOs <<u>OCFO-FCOs@epa.gov</u>>

Subject: Update on Inflation Reduction Act and Infrastructure Investment and Jobs Act Pause

Colleagues -

Please see the attached memorandum for an update on the Inflation Reduction Act and Infrastructure Investment and Jobs Act funding pause in response to a recent <u>court directive</u>.

As noted in the memorandum, OCFO, working closely with the Office of General Counsel and Office of Mission Support, will continue to keep the community updated on this matter.

Thank you,
-Gregg

Gregg Treml
Acting Chief Financial Officer
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 4402A WJCN
Washington, DC 20460
(202)-564-1151
treml.gregg@epa.gov

THE CHIEF FINANCIAL OFFICER

WASHINGTON, D.C. 20460

February 4, 2025

MEMORANDUM

SUBJECT: Update on Inflation Reduction Act and Infrastructure Investment and Jobs Act Pause

FROM: Gregg Treml, Chief Financial Officer (Acting)

GREGG TREML Digitally signed by GREGG TREML Date: 2025.02.04 12:53:31 -05'00'

TO: Deputy Assistant Administrators

Deputy Associate Administrators Deputy Regional Administrators

Distribute as appropriate to those needed to carry out this direction.

This message provides an update pursuant to the recent <u>Court directive</u> addressing financial assistance. The Court directs that federal financial assistance shall not be paused based on the Office of Management and Budget's direction in the rescinded OMB memorandum or the President's Executive Orders, while ongoing litigation proceeds or until otherwise directed by a Court.

Consistent with the Order, the agency's financial system will now enable the obligation of financial assistance. This includes programs within the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, including federal financial assistance in the State and Tribal Assistance Grants, Brownfields, and Superfund. The Office of Budget will follow-up with a detailed list. Additionally, the disbursement of funds connected to this notice will continue.

OCFO, working closely with the Office of General Counsel and Office of Mission Support, will continue to keep the community updated on this matter.

cc: Lek Kadeli
Meshell Jones-Peeler
Paige Hanson
OCFO Senior Managers
Vonda Jennette
Greg Luebbering
Senior Resource Officials
Senior Budget Officers

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 88 of 101

Regional Comptrollers Funds Control Officers 2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 89 of 101

Message

From: Vaseliou, Molly [Vaseliou.Molly@epa.gov]

Sent: 2/5/2025 9:04:21 PM

To: Voyles, Travis [voyles.travis@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]

Subject: FW: PRO SUSTAINABILITY REPORT: Wednesday, Feb. 5, 2025

From: POLITICO Pro Sustainability <alert@email.politicopro.com>

Sent: Wednesday, February 5, 2025 4:04:17 PM (UTC-05:00) Eastern Time (US & Canada)

To: Vaseliou, Molly <Vaseliou.Molly@epa.gov>

Subject: PRO SUSTAINABILITY REPORT: Wednesday, Feb. 5, 2025

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GOP launches effort to overturn methane fee rule

By James Bikales

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Unions sue to halt Trump's exit plan for federal workers

Mike Johnson's budget plan is at risk of collapse

EPA lifts spending freeze on some environmental funding

Why Washington is getting nervous about a shutdown

Senate GOP seeks Trump's blessing on budget strategy

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GOP launches effort to overturn methane fee rule (back)

By James Bikales

Republican lawmakers in the House and Senate launched a fresh effort Tuesday to quash the methane emissions fee created by Democrats in the Inflation Reduction Act.

GOP Reps. <u>August Pfluger</u> and <u>Jodey Arrington</u> of Texas, along with Sen. <u>John Hoeven</u> of North Dakota, introduced <u>Congressional Review Act resolutions</u> in each chamber to overturn the Biden administration's rule implementing the fee.

That rule was <u>finalized by EPA in November</u>, leaving it vulnerable to being overturned by a simple majority vote through the CRA.

A successful CRA would not completely take the program off the books, but Republicans are expected to pursue that path as well. Pfluger and Sen. <u>Ted Cruz</u> (R-Texas) <u>reintroduced legislation last month</u>, dubbed the "<u>Natural Gas Tax Repeal Act</u>," that would repeal the program.

A complete repeal would require 60 votes in the Senate, unless Republicans push it through the reconciliation process.

The methane fee rule, Reg. 2060-AW02, also faces several legal challenges from industry groups and red states.

Senate Majority Leader <u>John Thune</u> (R-S.D.) said Tuesday that Republicans are eyeing "10 or 15 potential CRAs" and discussing which ones to prioritize with the House and White House.

Reaction: Jon Goldstein, associate vice president for energy transition at the Environmental Defense Fund, said in a statement repealing the rule would "only cause chaos and uncertainty for operators in the implementation of a program that is still required by law."

To view online click here.

Unions sue to halt Trump's exit plan for federal workers (back)

By Nick Niedzwiadek

Unions representing federal employees sued the Trump administration on Tuesday, seeking to block its plan to incentivize workers to exit the government.

The filing alleges that the Office of Personnel Management, which first issued the deferred resignation offer last week, lacks the legal authority to devise such a program and that the unions' members will be directly harmed if the administration hollows out agencies. It also accuses OPM of failing to follow federal procedural requirements necessary to carry out major policies.

The lawsuit was <u>filed in the federal district court of Massachusetts</u> by the American Federation of Government Employees, one of AFGE's local affiliates, the American Federation of State, County and Municipal Employees and the National Association of Government Employees.

The unions are asking a judge to "declare that the Directive as issued is arbitrary, capricious, and not in accordance with law" and to bar the administration from effectuating its plan. OPM had set a Feb. 6 deadline for interested workers to signal their intent to accept its offer to resign.

They accuse the Trump administration of pressuring employees into accepting its offer by imposing "a little more than a week" to assess their options and say that OPM's so-called <u>Fork in the Road</u> missive "threatens employees with eventual job loss in the event that they refuse to resign."

The lawsuit notes that similar "Fork in the Road"-related language appeared at Twitter — now X — when Elon Musk took it over and shrunk down its workforce, adding that the "approach at Twitter was widely regarded as chaotic[.]"

"If these employees leave or are forced out *en masse*, the country will suffer a dangerous one-two punch," the complaint states. "First, the government will lose expertise in the complex fields and programs that Congress has, by statute, directed the Executive to faithfully implement. The government will have fewer qualified employees to execute the statutorily-required tasks that still remain."

Neither OPM nor the White House immediately returned a request for comment on the lawsuit.

OPM and other federal agencies in recent days have <u>repeatedly issued follow-up guidance</u> to workers seeking to address confusion about the terms of the plan and assure them of its legality.

The White House is also seeking to <u>force federal workers to return full-time</u> to government offices while threatening to fire those who do not comply — and using the deferred resignation plan as an off-ramp by exempting those who accept it from the return-to-office mandate.

Labor unions and congressional Democrats have continued to urge workers not to accept the offer, which would allow them to remain on the federal payroll through the end of the fiscal year that ends Sept. 30.

To view online click here.

Mike Johnson's budget plan is at risk of collapse (back)

By Meredith Lee Hill and Jordain Carney

After weeks of promising "one big, beautiful bill," House Republican leaders are at serious risk of being outmaneuvered by an unlikely GOP alliance as Speaker <u>Mike Johnson</u> struggles to sell his approach to enacting President Donald Trump's sprawling domestic agenda.

Already a rebellion among conservative hard-liners has already forced the speaker to scrap his ambitious timeline for advancing the border, energy and tax bill. Senators, meanwhile, are getting antsy about inaction in the House and are working with Freedom Caucus members on an end-run around Johnson's strategy.

"They are trying to jam us," said one House GOP lawmaker involved in the ongoing talks, referring to the unusual partnership.

The inter-chamber rivalry over how to pass a budget blueprint is just the latest complication for Republicans as they try to make good on Trump's campaign agenda. Trillions of dollars are at stake as party leaders try to bridge vast differences between hard-right fiscal hawks and swing-district members who are wary of deep cuts, not to mention those with tactical disputes over how the legislation should be sequenced.

Mindful of his razor-thin majority, Johnson has fiercely defended his one-bill approach as he seeks to keep the House in control of the complex party-line budget reconciliation process.

"The Senate will not take the lead," Johnson told reporters Tuesday. "We're gonna take the lead."

But GOP leaders indicated during closed-door meetings Tuesday that they were still negotiating a way forward, according to two people familiar with the conversations who were granted anonymity to discuss them. Johnson didn't say when he expected the Budget Committee to advance the reconciliation blueprint — a milestone he expected to reach this week — but said he hoped to update the full House Republican conference Wednesday morning.

Some House Republicans are now privately acknowledging the problems in their ranks are so intractable that they might need the Senate to go first — or for Trump to start publicly leaning on the holdouts. Johnson is planning to discuss the way forward with Budget Committee members and senior Republicans Tuesday night, according to three people familiar with the plans.

The situation is "still a giant mess," said a second Republican lawmaker with direct knowledge of the current impasse.

Several Freedom Caucus members are back-channeling with Senate Budget Chair Lindsey Graham (S.C.) as those factions quietly try to push a two-track alternative to Johnson's plan for one massive bill. Several HFC members sit on House Budget, where Chair Jodey Arrington (R-Texas), a close personal friend of the speaker's, has struggled to keep the panel united.

The Senate GOP, meanwhile, has been eager to move for weeks on their preferred two-bill strategy, believing it would let the party get a quick win on the border while delaying the much tougher tax package until later in the year.

Key Republican senators are planning to raise the issue with Trump Friday when they join him for dinner at his Mar-a-Lago resort in Florida, arguing the House GOP is incapable of advancing their bill as time is running out.

After the rebellion of Budget Committee hard-liners scrambled Johnson's plans late last week, GOP leaders pushed chairs to find deeper spending offsets across all House committees. That could mean massive cuts to Medicaid and SNAP food aid benefits, as well as other key safety-net programs vulnerable House Republicans are less comfortable with slashing.

Senior Republicans even noted in private meetings that the Ways and Means Committee would need to find ways to pare back its deficit impact as it pursues massively costly tax-cut extensions.

Even with those additional cuts, it's not clear whether House Republicans will be able to clinch an agreement. Hard-liners are publicly arguing they want multiple trillions of dollars in guaranteed cuts, with some conveying privately they may support closer to \$1 trillion.

Other House Republicans are now concerned about what Johnson might offer the hard-liners behind closed doors.

"I expect this to be the main topic of discussion today and tomorrow," one House GOP lawmaker said Tuesday.

Key centrist Republicans in competitive districts have signaled privately that they are <u>supportive of new and expanded work requirements</u> on safety net programs for low-income Americans, including Medicaid, food aid benefits and temporary cash assistance for families who qualify.

Page 92 of 101

But those endangered Republicans are making clear amid the hard-liner backlash that they don't support additional work requirements on parents with children, according to three Republicans with direct knowledge of the conversations. That narrows what GOP leaders can target for savings.

With House Republicans stuck, several GOP senators warned Tuesday that they are prepared to leapfrog over them if the House can't figure out a path forward on its budget blueprint within a matter of days.

"We were giving the House some space to act, but we're also prepared to move forward," said Senate Majority Leader John Thune, who previously indicated the Senate's own blueprint was written and waiting.

Asked if he is prepared to move before the House, Graham said he was: "We need to get moving."

While some Senate Budget members suggested the committee could act as soon as next week, Graham would not give a firm timeline, only issuing a soft warning to the House that he wanted to see what happens over there "in the next day or two."

To view online click here.

EPA lifts spending freeze on some environmental funding (back)

By James Bikales and Zack Colman

The Environmental Protection Agency on Tuesday directed agency officials to allow the disbursement of funds from at least some programs under the <u>bipartisan infrastructure law</u> and <u>Inflation Reduction Act</u> that had been paused since Jan. 20, according to an internal memo viewed by POLITICO.

The memo cites a ruling by a federal judge on Monday that <u>barred agencies from enforcing any remaining</u> elements of the Trump administration's spending freeze.

"Consistent with the Order, the agency's financial system will now enable the obligation of financial assistance," wrote EPA's acting chief financial officer, Gregg Treml. "This includes programs within the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, including federal financial assistance in the State and Tribal Assistance Grants, Brownfields, and Superfund."

The memo states that EPA's Office of Budget will follow up with a detailed list of the programs that should now receive disbursements.

One person who works with states on climate issues said the overwhelming majority of the unfrozen funding is directed at programs in the bipartisan infrastructure law, according to documents that person reviewed. That includes funding for restoring estuaries, revolving funds for states to improve drinking water, remediating brownfield sites and combating contaminants like PFAS "forever chemicals." That list included one Inflation Reduction Act program on consumer education.

That will keep the spending freeze in place for a broad array of funding under the IRA, the Biden administration's massive investment aimed at fighting climate change, said Sam Ricketts, co-founder of S2 Strategies, which works with state governments on climate policies. Ricketts said as of Tuesday evening that one of the states he works with is still unable to access funding from EPA's \$7 billion EPA's Solar for All and its \$5 billion climate pollution reduction grant programs.

"They are flagrantly disregarding the law. It is outrageous," Ricketts said.

EPA did not immediately respond to a request for a comment.

Federal judges in Washington and Rhode Island last week <u>barred the White House</u> from enforcing a broad spending pause issued by the Office of Management and Budget, which had <u>sparked widespread chaos</u> before it was <u>rescinded two days later</u>.

But funding for energy and climate-related programs <u>still appeared to be on hold</u> under President Donald Trump's Day One executive order suspending disbursement of so-called "green new deal" funds under the IRA and infrastructure law. Nonprofits and state agencies told the courts that they still could not access awards funded under the two laws.

In response, U.S. District Judge Loren AliKhan granted a temporary restraining order Monday that barred the administration from enforcing any remnants of the pause.

In the EPA memo, Treml appears to acknowledge that ruling, noting that the "Court directs that federal financial assistance shall not be paused based on the Office of Management and Budget's direction in the rescinded OMB memorandum or the President's Executive Orders, while ongoing litigation proceeds or until otherwise directed by a Court."

Alex Guillén, Josh Siegel and Kelsey Tamborrino contributed to this report.

To view online click here.

Why Washington is getting nervous about a shutdown (back)

By Jennifer Scholtes

The president in charge during the longest government shutdown in U.S. history has returned to the White House, current government funding expires in less than six weeks — and on Capitol Hill, people are nervous.

It's not just President Donald Trump's history of leading the country through a 35-day funding lapse that has lawmakers worried about his appetite for another one in March. It's also that Trump's actions in his first two weeks back in office are stifling bipartisan negotiations toward a funding deal as the president — and his "government efficiency" chief, Elon Musk — work to bulldoze the federal bureaucracy while freezing billions of dollars Congress already enacted and firing federal workers.

"I don't think anybody thinks a shutdown is a good thing. But the politics are such that we could certainly stumble into one without meaning to," House Appropriations Chair <u>Tom Cole</u>, an Oklahoma Republican, said in a brief interview Tuesday.

The new president's truculent first days in office have created an especially unfavorable climate on Capitol Hill for landing any cross-party accord, whether that's a "grand funding deal" ahead of the government shutdown deadline or an agreement to lift the debt limit to prevent the U.S. from defaulting on more than \$36 trillion in loans in the coming months.

While the Democratic leader in the House <u>demands that Trump's funding freeze be "choked off"</u> as part of any funding agreement, Republican lawmakers say it will be Democrats who take the fall for causing a funding lapse if they hold that line. And so the shutdown blame game begins again.

"The president issued an executive order to curb spending. I highly doubt Republicans are going to rescind that. I don't see that happening," Rep. <u>Lisa McClain</u> (R-Mich.), the chair of the House Republican Conference, said late Tuesday. "That's on Dems if they want to shut it down."

Behind closed doors, Cole and Congress' other three top appropriations are trying to strike a bipartisan deal on the first step toward funding the government by the March 14 deadline: One overall spending total for the military and another for non-defense programs. From there, it usually takes at least a month to negotiate and finalize the dozen individual funding bills. The clock is ticking fast.

The exasperated Democrats sitting opposite Cole at the negotiating table say any good faith agreement with their GOP counterparts is meaningless if Trump disregards the will of Congress by using "impoundment" to withhold funding they pass into law.

"If the White House is not going to honor an agreement and use impoundment, then it is hard to come to agreement," Washington Sen. <u>Patty Murray</u>, the Senate's top Democratic appropriator, said in a brief interview Tuesday.

Democrats want Trump to unfreeze foreign aid and billions of dollars already promised to federal contractors and local governments, while also stopping Musk from dismantling agencies like the U.S. Agency for International Development. They also want Trump to promise he will sign into law — and then actually follow — whatever bipartisan funding deal they might strike in the coming weeks, especially after he and Musk goaded GOP leaders into disavowing the December spending package all parties had previously approved.

"We need assurances. That's all I'm going to say," Murray said.

Congress' four funding leaders — Murray and Cole, along with Senate Appropriations Chair <u>Susan Collins</u> and the House's top Democratic appropriator, Rep. <u>Rosa DeLauro</u> of Connecticut — all praised each other's efforts.

"Everybody in the room of goodwill, wanted to move forward" is how DeLauro described the ongoing funding negotiations between the so-called "four corners."

But DeLauro is also wary. "Don't tell me that all bets are off. That we're going to come to a deal ... and then all of a sudden Elon Musk or some other self-subscribed unchecked billionaire decides it's not to his liking. Hell no."

Trump already learned lessons on the toll of a government shutdown in late 2018 and early 2019, when funding to parts of the federal government lapsed for five weeks while he faced off with Democrats in Congress over funding for the border wall. It was a fight Trump ended up losing.

"I actually don't think Donald Trump — having been through it — I don't think he found it rewarding," Sen. Kevin Cramer said Tuesday. "So I think he's pretty serious about getting something done."

The North Dakota Republican also noted the other main factor at play: the current fury of lawmakers in the minority party who have the power to tank a funding bill they don't like given the narrow GOP majorities in both chambers. In the House, especially, are a number of fiscal conservatives who never vote for funding bills, no matter what. It means any funding bill will require Democratic support to pass.

"God, I hope that doesn't happen. I mean, I really don't," Cramer said of the prospects of a government shutdown in March. "The Democrats aren't in much of a mood to help."

If top lawmakers can't come to an agreement to keep the government funded, or if Trump bucks that deal, the new president would have some control over what federal efforts would continue beyond the March 14 deadline.

Trying to stem some of the public impact of the partial government shutdown in 2019, his administration tapped into park entrance fees to keep national parks open, a move federal watchdogs found in violation of the law. With Musk empowered now to compel entire government offices to shed staff or shutter entirely, the stakes are higher for what a federal funding lapse could entail this time around.

The effects are also, generally speaking, more difficult to quell the longer a government shutdown lasts, as benefit payments like SNAP food assistance are eventually withheld.

"These things get worse and worse and worse the longer they go on," said Bobby Kogan, who served during the Biden administration as adviser to the White House budget director.

Kogan, who now works for the liberal Center for American Progress, said he is "skeptical of the idea that Trump will deliberately shut us down as another way to stop spending, because shutdowns are deeply unpopular."

But Trump's funding freeze and unwillingness to abide by funding caps enacted two years ago under then-Speaker Kevin McCarthy and President Joe Biden create a "real risk."

Katherine Tully-McManus contributed to this report.

To view online click here.

2:25-cv-02152-RMG Date Filed 04/21/25 Entry Number 125-4 Page 95 of 101

Senate GOP seeks Trump's blessing on budget strategy (back)

By Jordain Carney

Senate Republicans are going to use a closed-dinner with President Donald Trump to ask if he wants them to take the lead in advancing the heart of his legislative agenda — or wait for House Republicans who are still without a solid plan.

The strategy of getting presidential buy-in, described by Senate GOP Whip <u>John Barrasso</u>, comes as Senate Republicans are itching to get going on a budget blueprint that would unlock their ability to write and then pass a border, energy and defense bill along party lines.

The Senate GOP's budget is done — a detail first reported by POLITICO — and Senate Budget Chair Lindsey Graham (R-S.C.) is expected to brief his GOP colleagues on Wednesday. House Republicans, meanwhile, continue to delay action on their own blueprint amid complaints from fiscal hawks that the party needs to identify deeper cuts to pay for the larger reconciliation bill.

Graham <u>has been backchanneling</u> with some of those House hardliners as they both push for a two-reconciliation bill strategy to achieve some policy wins earlier in the year, followed by a larger package later on to deal with expiring tax cuts.

"We're going to meet with President Trump Friday night. We'll discuss that, the issues of how successful the Republicans have been in the House, which it looks like they're right not able to move at the level we'd like them to move, and to see if he'd like us to move forward. We do have a bill ready to go here," Barrasso told reporters Tuesday.

Senate Republicans and their spouses are going to Mar-a-Lago for dinner on Friday at Trump's invitation. The lawmakers were already expected to be in the Sunshine State for the weekend for a campaign-focused retreat.

Some Senate Budget Committee Republicans believe Graham could hold a vote on their budget blueprint as soon as next week — and Sen. Ron Johnson (R-Wis.) is specifically lobbying him to do so. Graham, asked about the timeline, didn't rule it out but said he is talking with colleagues about the best way to proceed.

The renewed push by Senate Republicans comes as House Republicans currently don't have the votes to get their own budget plan – which would fold in a sweeping overhaul of the tax code, through the Budget Committee – amid resistance from their own hardliners. Speaker Mike Johnson had a budget resolution through the House Budget Committee this week and across the floor next week.

Johnson brushed off questions Tuesday afternoon about falling behind on his ambitious timeline, adding that, "The Senate will not take the lead."

The speaker is expected to meet with some House Republicans on the Budget Committee on Tuesday evening. Meredith Lee Hill contributed to this report.

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Message

From: Vaseliou, Molly [Vaseliou.Molly@epa.gov]

Sent: 2/6/2025 1:26:08 AM

To: Voyles, Travis [voyles.travis@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]

Subject: FW: EPA funds still frozen despite agency memo, lawmakers' pressure

From: POLITICO Pro Energy <alert@email.politicopro.com>

Sent: Wednesday, February 5, 2025 8:26:05 PM (UTC-05:00) Eastern Time (US & Canada)

To: Vaseliou, Molly <Vaseliou.Molly@epa.gov>

Subject: EPA funds still frozen despite agency memo, lawmakers' pressure

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EPA funds still frozen despite agency memo, lawmakers' pressure

The EPA's directive after a court ruling has still not yet unlocked all the funding mandated under the laws passed by Congress.

BY JAMES BIKALES, JOSH SIEGEL | 02/05/2025 08:22 PM EST

ruling by a federal judge on Monday that <u>barred agencies from enforcing any remaining elements</u> of the administration's spending freeze.

However, EPA has not issued information on which of the programs funded by the two laws have been unfrozen, sparking confusion among award recipients and on Capitol Hill, where lawmakers from both parties are pushing the administration to allow the money to flow to particular programs.

EPA declined to comment for this story, citing the pending litigation.

"It's hard to tell what is incompetence and what is confusion and what is basically contemptuous trickery," said Sen. <u>Sheldon Whitehouse</u> of Rhode Island, the top Democrat on the Environment and Public Works Committee. "But it does seem that they say one thing, and then the funds don't move."

EPW Chair <u>Shelley Moore Capito</u> (R-W.Va.) has been in contact with EPA in a bid to get funds released, she and other lawmakers said.

Awards under EPA's brownfields remediation program, which was funded by the infrastructure law, were flowing again on Wednesday after Capito and Sen. <u>Ed Markey</u> (D-Mass.) intervened, the two lawmakers said in a hearing. Most of the programs that EPA initially targeted to be unfrozen were from the infrastructure law, <u>POLITICO previously reported</u>.

But the internet portal to access funds from EPA's \$5 billion Clean School Bus program, which was created by the infrastructure law, remained inaccessible on Wednesday, according to two recipients.

Chris Kilbride, the superintendent of the Ritenour School District outside St. Louis, Missouri, told POLITICO the district was unable access the EPA funds it was planning to draw down this week to pay for 21 new electric buses, all of which are built and ready to be delivered.

"Our grant is still frozen," Kilbride said. "We've got our CFO checking three times a day on the portal."

The district also received a \$830,000 bill this week for EV charging stations it installed for the buses — costs that are meant to be funded by the program. It is working with its contractor to delay payment until it gets clarity on the federal funds. "We're committed to not using local tax dollars to make this happen," Kilbride said.

Neither Kilbride nor Rep. <u>Wesley Bell</u>, a Democrat who represents the district, have been able to get information from EPA on if or when the grant will be unfrozen.

"There's no guidance — I'm a congressman, and we're scrambling to figure out what the administration is trying to do," Bell said. "We should not be wondering if a school district can buy school buses that are ready and waiting for it."

Capito said she had also discussed the Clean Bus Program with people in the Trump administration after GreenPower, a bus manufacturer in her state that has received orders funded by the program, told her it is "concerned" about losing funding.

"We are trying to help them work through it to figure out what the status is," Capito said.

One person who works with state governments on climate policies said on Wednesday all the IRA money was frozen, including the \$7 billion Solar for All program and the \$5 billion climate pollution reduction grants programs.

Another official with a state energy office also told POLITICO on Wednesday that it still could not access EPA climate funds despite the new agency memo.

Whitehouse accused EPA of purposefully creating a "fog bank of confusion and uncertainty and uncommunicativeness" around the status of the funds.

He praised Capito for her effort "to work through individual jams of Republican and Democratic members" by flagging issues to the Trump administration, but said those interactions have not led "all the way to money flowing."

Sen. Martin Heinrich of New Mexico, the top Democrat on the Energy Committee, said he had seen some "surprising and positive" progress on unfreezing funding for his state, but money for some other programs was still held up.

"It's chaos, and that's the point," Heinrich told POLITICO Wednesday.

Energy Committee staff members familiar with the situation had previously told POLITICO that recipients of money from the Interior Department's Bureau of Reclamation had informed the committee that their awards for several projects funded under the IRA and infrastructure law were on hold. Those included projects enhancing drought resilience, erosion mitigation and sediment removal.

Other Democrats said they are fearful the Trump administration could start unlocking funding for Republican-led states, but not theirs.

"At what point is he [Trump] going to start picking winners and losers?" said Sen. Catherine Cortez Masto (D-Nev.). "And at what point is he gonna decide if you're from a Republican state you get to keep some of this funding but if you're a Democrat from a blue state, you don't? That's not how this should work."

Sen. Kevin Cramer (R-N.D.), a Trump ally, said the administration is coming to terms with the challenge of clawing back obligated funds appropriated in laws passed by Congress.

"What they are probably finding is it's not as easy as you might think to take a scalpel at a law that has passed," Cramer said. "He [Trump] throws this stuff out and sees where it lands and it's already working itself through."

Zack Colman contributed to this report.

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